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House Resolution 130

H-8347

1 Amend House Resolution 130 as follows:

2 1. Page 3, after line 21 by inserting:

3 <BE IT FURTHER RESOLVED, That Rule 31, subsection
4 8, of the Rules of the House, as adopted by the
5 House of Representatives during the 2011 Session
6 in House Resolution 11, as amended by the House of
7 Representatives during the 2012 Session in House
8 Resolution 102, is amended to read as follows:

9 8. No amendment to the rules of the house, to any
10 resolution or bill, except technical amendments and
11 amendments to bills substituted for by senate files
12 containing substantially identical title, language,
13 subject matter, purpose and intrasectional arrangement,
14 shall be considered by the membership of the house
15 without a copy of the amendment having been filed with
16 the chief clerk by 4:00 p.m. or within one-half hour of
17 adjournment, whichever is later, on the day preceding
18 floor debate on the amendment. If the house adjourns
19 prior to 2:00 p.m. on Friday, the final deadline is two
20 hours after adjournment. However, committee amendments
21 filed pursuant to the submission of the committee
22 report may be accepted after this deadline. This
23 provision shall not apply to any proposal debated on
24 the floor of the house after the thirteenth week of
25 the first session and the eleventh week of the second
26 session. No amendment or amendment to an amendment
27 to a bill, rule of the house, or resolution shall be
28 considered by the membership of the house without
29 a copy of the amendment being on the desks of the
30 entire membership of the house prior to consideration.
31 However, the membership of the house may consider an
32 amendment or an amendment to an amendment to a bill,
33 rule of the house, or resolution without a copy of the
34 amendment being on the desks of the entire membership
35 of the house prior to consideration if a copy of the
36 amendment is made available to the entire membership of
37 the house electronically. However, no amendment to an
38 amendment to any resolution or bill, which amendment to
39 the amendment strikes everything after the resolving or
40 enacting clause, shall be considered by the membership
41 of the house unless a copy of the amendment to the
42 amendment is made available to the entire membership of
43 the house three days prior to consideration.>

THOMAS of Clayton

HRL30.5402 (1) 84

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rj/nh

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Senate File 2295

H-8348

1 Amend the amendment, H-8271, to Senate File 2295, as
2 passed by the Senate, as follows:
3 1. Page 1, lines 24 and 25, by striking <an
4 employer or institution based upon vicarious liability>
5 and inserting <any party other than the individual
6 accused of perpetrating the sexual abuse>
7 2. Page 2, after line 6 by inserting:
8 <Sec. _____. Section 907.3, subsection 3, unnumbered
9 paragraph 1, Code Supplement 2011, is amended to read
10 as follows:
11 By record entry at the time of or after sentencing,
12 the court may suspend the sentence and place the
13 defendant on probation upon such terms and conditions
14 as it may require including commitment to an alternate
15 jail facility or a community correctional residential
16 treatment facility to be followed by a period of
17 probation as specified in section 907.7, or commitment
18 of the defendant to the judicial district department
19 of correctional services for supervision or services
20 under section 901B.1 at the level of sanctions which
21 the district department determines to be appropriate
22 and the payment of fees imposed under section 905.14.
23 A person so committed who has probation revoked shall
24 not be given credit for such time served. However, ~~the~~
25 a person committed to an alternate jail facility or a
26 community correctional residential treatment facility
27 who has probation revoked shall be given credit for
28 time served in the facility. The court shall not
29 suspend any of the following sentences:
30 Sec. _____. APPLICABILITY AND WAIVER OF RIGHTS. A
31 person who commits an offense prior to the effective
32 date of this Act may expressly state to the court, at
33 the time of sentencing, that the person waives any
34 rights under Anderson v. State, 801 N.W.2d 1, relating
35 to the calculation of credit for time served, and agree
36 to be sentenced using credits as calculated under
37 section 907.3 as amended by this Act. If the court
38 finds the waiver voluntary, the sentencing order shall
39 reference the person's waiver of rights under Anderson,
40 and order that credit for time served be calculated
41 under section 907.3, as amended by this Act.
42 Sec. _____. EFFECTIVE UPON ENACTMENT. The following
43 provision or provisions of this Act, being deemed of
44 immediate importance, take effect upon enactment:
45 1. The section of this Act amending section 907.3.
46 2. The section of this Act relating to the waiver
47 of rights under Anderson v. State.>
48 3. Page 2, by striking lines 7 through 15 and
49 inserting:
50 <_____. Title page, by striking lines 1 and 2 and

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1 inserting <An Act pertaining to sexually related
2 crimes, penalties, the time period to bring related
3 actions, and the calculation of credit for time served,
4 and including effective date provisions.>>
5 4. By renumbering as necessary.

BALTIMORE of Boone



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Senate File 2321

H-8349

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 18, after line 13 by inserting:
5 <Sec. _____. Section 261.19, subsection 3, Code
6 Supplement 2011, is amended to read as follows:
7 3. A health care professional recruitment revolving
8 fund is created in the state treasury as a separate
9 fund under the control of the commission for deposit of
10 moneys appropriated to or received by the commission
11 for use under the program. The commission shall
12 deposit payments made by health care professional
13 recruitment program recipients and the proceeds from
14 the sale of osteopathic loans awarded pursuant to
15 section 261.19, subsection 2, paragraph "b", Code 2011,
16 into the health care professional recruitment revolving
17 fund. Moneys credited to the fund shall be used to
18 supplement moneys appropriated for the health care
19 professional recruitment program, for loan repayment
20 in accordance with this section, and to pay for loan
21 or interest repayment defaults by program recipients.
22 Notwithstanding section 8.33, any balance in the fund
23 on June 30 of any fiscal year shall not revert to the
24 general fund of the state but shall remain in the fund
25 and be continuously available for loan forgiveness
26 under the program. Notwithstanding section 12C.7,
27 subsection 2, interest or earnings on moneys deposited
28 in the fund shall be credited to the fund.>
29 2. By renumbering as necessary.

DOLECHECK of Ringgold

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Senate File 2321

H-8350

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 18, after line 13 by inserting:
5 <Sec. _____. Section 260C.14, Code 2011, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 23. Adopt a policy, if a portion
8 of the tuition collected by the community college
9 is set aside to provide financial assistance for
10 enrolled students, to give notice to each student
11 who pays tuition of the set-aside practice and the
12 percentage and dollar amount of tuition payments which
13 the community college sets aside to provide financial
14 assistance to students enrolled in the community
15 college. The board shall prescribe by rule the minimum
16 standards for the manner, form, and content of the
17 notice. Notice shall be prominently disclosed using
18 the following methods:
19 a. On the community college's printed tuition
20 billing statements and receipts if the community
21 college provides such billings or receipts to its
22 students as evidence of tuition payment.
23 b. By written and electronic communication if the
24 community college does not provide printed tuition
25 billing statements or receipts as evidence of tuition
26 payment.
27 c. In all written and electronic communications
28 sent by the community college to a student related to
29 the student's tuition charges.>
30 2. Page 18, after line 45 by inserting:
31 <Sec. _____. Section 262.9, Code Supplement 2011, is
32 amended by adding the following new subsection:
33 NEW SUBSECTION. 36. Direct the institutions of
34 higher education under its control that set aside a
35 portion of the tuition collected by the institution to
36 provide financial assistance for enrolled students, to
37 give notice to each student who pays tuition of the
38 set-aside practice and the percentage and dollar amount
39 of tuition payments which the institution sets aside to
40 provide financial assistance to students enrolled in
41 the institution. The state board shall prescribe by
42 rule the minimum standards for the manner, form, and
43 content of the notice. Notice shall be prominently
44 disclosed using the following methods:
45 a. On the institution's printed tuition billing
46 statements and receipts if the institution provides
47 such billings or receipts to its students as evidence
48 of tuition payment.
49 b. By written and electronic communication if the
50 institution does not provide printed tuition billing

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1 statements or receipts as evidence of tuition payment.
2 c. In all written and electronic communications
3 sent by the institution to a student related to the
4 student's tuition charges.>
5 3. By renumbering as necessary.

RAECKER of Polk



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Senate File 2289

H-8351

1 Amend Senate File 2289, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 10 and 11 and
4 inserting <grants and case management. The department
5 of human services may solicit competitive bids and
6 enter into a contract with a term of not more than
7 three years, after which the contract may be renewed or
8 rebid, with one or more providers of a statewide>
9 2. Page 1, line 15, after <area.> by inserting <In
10 addition to including contract terms for a contractor
11 to seek reimbursement of costs for damages paid by
12 individuals with valid receipts, any contract with a
13 statewide provider shall require the provider to fund
14 or arrange with a third party to advance assistance
15 to eligible recipients for qualified expenses, with
16 such advances to be refunded to the provider by the
17 department upon receipt of documentation required by
18 the department.>

ISENHART of Dubuque

SF2289.5347 (2) 84

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Senate File 2316

H-8352

1 Amend the amendment, H-8328, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 34 by inserting:
5 <c. For providing a grant to the Grout museum
6 district for the Sullivan brothers veterans museum
7 for costs associated with the oral history exhibit
8 including but not limited to exhibit information
9 technology, computer connectivity, and interactive
10 display technologies, notwithstanding section 8.57,
11 subsection 6, paragraph "c":
12 FY 2012-2013..... \$ 150,000>
13 2. Page 4, by striking lines 4 and 5 and inserting
14 <following entities for the following fiscal years, the
15 following>
16 3. Page 4, after line 9 by inserting:
17 <FY 2012-2013>
18 4. Page 4, after line 13 by inserting:
19 <FY 2012-2013>
20 5. Page 4, after line 20 by inserting:
21 <FY 2012-2013>
22 6. Page 4, after line 35 by inserting:
23 <Sec. ____ DEPARTMENT OF CULTURAL AFFAIRS
24 For providing a grant to the Grout museum district
25 for the Sullivan brothers veterans museum for costs
26 associated with the oral history exhibit including but
27 not limited to exhibit information technology, computer
28 connectivity, and interactive display technologies,
29 notwithstanding section 8.57, subsection 6, paragraph
30 "c":
31 FY 2013-2014..... \$ 129,450>
32 7. Page 4, after line 41 by inserting:
33 <FY 2012-2013>
34 8. Page 4, after line 49 by inserting:
35 <FY 2012-2013>
36 9. Page 5, after line 4 by inserting:
37 <FY 2012-2013>
38 10. Page 5, after line 9 by inserting:
39 <FY 2012-2013>
40 11. Page 5, after line 12 by inserting:
41 <FY 2012-2013>
42 12. Page 5, after line 17 by inserting:
43 <FY 2012-2013>
44 13. By renumbering as necessary.

KRESSIG of Black Hawk

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BERRY of Black Hawk

KAJTAZOVIC of Black Hawk



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Senate Amendment to
House File 2390

H-8353

1 Amend House File 2390, as passed by the House, as
2 follows:
3 1. Page 3, line 8, after <act.> by inserting <A
4 visual depiction containing pictorial representations
5 of different minors shall be prosecuted and punished as
6 separate offenses for each pictorial representation of
7 a different minor in the visual depiction. However,
8 violations of this subsection involving multiple visual
9 depictions of the same minor shall be prosecuted and
10 punished as one offense.>

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Senate File 2316

H-8354

1 Amend the amendment, H-8328, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 16, by striking <20,000,000> and
5 inserting <18,500,000>
6 2. Page 3, after line 28 by inserting:
7 <____. SECRETARY OF STATE
8 For interest free loans to counties for basic
9 equipment, hardware, and software necessary to
10 implement the precinct atlas program and technology for
11 election administration, notwithstanding section 8.57,
12 subsection 6, paragraph "c":
13 FY 2012-2013..... \$ 1,500,000
14 FY 2013-2014..... \$ 1,500,000>
15 3. By renumbering as necessary.

ISENHART of Dubuque



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Senate File 2321

H-8355

- 1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 11, before line 38 by inserting:
5 <d. Notwithstanding section 260C.14, subsection
6 2, or any other provision of law to the contrary, the
7 board of directors of a community college shall not
8 implement an increase in tuition for the 2012-2013
9 fiscal year.>
10 2. By renumbering as necessary.

MURPHY of Dubuque



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Senate File 2321

H-8356

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, after line 25 by inserting:
5 <Sec. _____. 2011 Iowa Acts, chapter 132, section
6 101, is amended to read as follows:
7 SEC. 101. WORK-STUDY APPROPRIATION FOR FY
8 2012-2013. Notwithstanding section 261.85, for the
9 fiscal year beginning July 1, 2012, and ending June 30,
10 2013, the amount appropriated from the general fund of
11 the state to the college student aid commission for the
12 work-study program under section 261.85 shall be ~~zero~~
13 \$250,000.>
14 2. By renumbering as necessary.

WOLFE of Clinton

HANSON of Jefferson



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Senate File 2321

H-8357

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, after line 40 by inserting:
5 <The department shall not implement amendments
6 to section 256.44 enacted during the 84th General
7 Assembly, 2012 Regular Session, unless and until an
8 entity established by the governor or the general
9 assembly in 2012 to study teacher performance,
10 compensation, and career development includes provision
11 for the national board for professional teaching
12 standards awards in any plan the entity submits in a
13 final report to the governor and general assembly.>

MASCHER of Johnson



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Senate File 2321

H-8358

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 6 through 19 and
5 inserting:
6 <8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
7 FORGIVENESS PROGRAM
8 a. For purposes of the registered nurse and nurse
9 educator loan forgiveness program established pursuant
10 to section 261.23:
11 \$ 40,426
12 80,852
13 b. It is the intent of the general assembly that
14 the commission continue to consider moneys allocated
15 pursuant to this subsection as moneys that meet the
16 state matching funds requirements of the federal
17 leveraging educational assistance program and the
18 federal supplemental leveraging educational assistance
19 program established under the Higher Education Act of
20 1965, as amended.>
21 2. By renumbering as necessary.

MASCHER of Johnson



Iowa General Assembly
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Senate File 2321

H-8359

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 18, after line 33 by inserting:

5 <Sec. _____. NEW SECTION. 261.115 Public service
6 loan repayment program.

7 1. A public service loan repayment program is
8 established to be administered by the commission.

9 2. An individual is eligible for the program if
10 the individual is a resident of Iowa and is employed
11 full-time by a public service organization located in
12 Iowa. For purposes of this section, "*public service*
13 *organization*" includes a state agency, an institution
14 of higher education governed by the state board of
15 regents, an area education agency, a school district,
16 a public child or family service agency, a nonprofit
17 organization that is exempt from taxation under section
18 501(a) of the Internal Revenue Code, or a private
19 organization that is a not-for-profit business, a
20 labor union, a partisan political organization, or
21 an organization engaged in religious activities that
22 provides any of the following secular services:

- 23 a. Emergency management.
- 24 b. Military service.
- 25 c. Public safety.
- 26 d. Law enforcement.
- 27 e. Public interest law services.
- 28 f. Early childhood education.
- 29 g. Public service for individuals with disabilities
- 30 and the elderly.
- 31 h. Public health.
- 32 i. Public education.
- 33 j. Public library services.
- 34 k. School library or other school-based services.

35 3. Each applicant for loan repayment shall submit
36 information requested by the commission in the manner
37 required by the commission, including but not limited
38 to an affidavit of employment verifying that the
39 applicant meets the requirements of subsection 2.

40 4. The annual amount of loan repayment shall
41 not exceed twenty percent of the individual's total
42 federally guaranteed Stafford loan amount under
43 the federal family education loan program or the
44 federal direct loan program, including principal and
45 interest, whichever amount is less. The total amount
46 of loan repayment to an individual pursuant to this
47 subsection shall not exceed fifty thousand dollars.
48 An individual shall be eligible to apply for the loan
49 repayment program for not more than five years, but the
50 individual has ten years to complete the employment

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1 requirements.

2 5. A public service loan repayment fund is created
3 in the state treasury as a separate fund under the
4 control of the commission. The fund shall consist of
5 any moneys appropriated by the general assembly and any
6 other moneys available to and obtained or accepted by
7 the commission from the federal government or private
8 sources for placement in the fund. Notwithstanding
9 section 8.33, moneys deposited in the fund shall
10 not revert to any fund of the state at the end of
11 any fiscal year but shall remain in the fund and be
12 continuously available for purposes of this section.
13 Notwithstanding section 12C.7, subsection 2, interest
14 or earnings on moneys deposited in the fund shall be
15 credited to the fund.

16 6. The commission shall submit by January 1
17 annually a report to the general assembly listing the
18 number of individuals who received loan repayment
19 pursuant to this section during the most recent fiscal
20 year, the types of public service organizations by
21 which the program participants were employed, the
22 amount paid to each program participant, and other
23 information identified by the commission as indicators
24 of outcomes from the program.>

25 2. Page 18, after line 45 by inserting:

26 <Sec. _____. Section 262.9, subsection 9, Code
27 Supplement 2011, is amended to read as follows:

28 9. Accept and administer trusts and may authorize
29 nonprofit foundations acting solely for the support
30 of institutions governed by the board to accept and
31 administer trusts deemed by the board to be beneficial.
32 Notwithstanding the provisions of section 633.63, the
33 board and such nonprofit foundations may act as trustee
34 in such instances. Beginning July 1, 2013, the board
35 shall require the foundations to ask each individual
36 who makes a charitable donation to the foundation
37 whether the donor will permit five percent of the
38 amount donated to be set aside by the foundation for
39 deposit into a scholarship fund for students enrolled
40 at the institution for which the foundation is acting.

41 Sec. _____. Section 262.9, Code Supplement 2011, is
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 36. Develop and implement by
44 July 1, 2014, a policy addressing the measures that
45 institutions of higher education governed by the board
46 shall take to provide financial literacy information,
47 tools, and skills to the institutions' students.

48 Sec. _____. Section 262.26, Code 2011, is amended to
49 read as follows:

50 262.26 Report of board.

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1 The board shall, biennially, at the time provided by
2 law, report to the governor and the legislature such
3 facts, observations, and conclusions respecting each
4 of such institutions as in the judgment of the board
5 should be considered by the legislature. Such report
6 shall contain an itemized account of the receipts
7 and expenditures of the board, and also the reports
8 made to the board by the executive officers of the
9 several institutions or a summary thereof, and shall
10 submit budgets for biennial appropriations deemed
11 necessary and proper to be made for the support of the
12 several institutions and for the extraordinary and
13 special expenditures for buildings, betterments, and
14 other improvements. Beginning July 1, 2013, reports
15 submitted to the board by the executive officers of
16 the institutions of higher education governed by the
17 board pursuant to this section shall include but not
18 be limited to the four-year, five-year, and six-year
19 student graduation rates of the institutions.>
20 3. By renumbering as necessary.

WESSEL-KROESCHELL of Story

HEDDENS of Story



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House File 2450

H-8360

- 1 Amend House File 2450 as follows:
- 2 1. Page 1, after line 8 by inserting:
- 3 <1A. Notwithstanding subsection 1, a local
- 4 authority that is using an automated traffic law
- 5 enforcement system prior to the effective date of this
- 6 Act may continue to use the system if the authority
- 7 submits an affidavit to the department of management on
- 8 or before June 30, 2012, certifying that discontinuing
- 9 the use of the automated traffic law enforcement
- 10 system would create a need for additional property
- 11 taxes to support operations and services of the local
- 12 authority.>
- 13 2. Page 1, by striking lines 22 through 25 and
- 14 inserting <enforcement system shall discontinue
- 15 using the system and remove all automated traffic law
- 16 enforcement system equipment from the highways on or
- 17 before July 1, 2012, unless the local authority has
- 18 submitted an affidavit to the department of management
- 19 pursuant to section 321.5A, subsection 1A, as enacted
- 20 by this Act.>
- 21 3. Page 1, by striking line 26 and inserting:
- 22 <2. Except as provided in section 321.5A,
- 23 subsection 1A, as enacted by this Act, on July 1, 2012,
- 24 all local>
- 25 4. Title page, line 1, by striking <prohibiting>
- 26 and inserting <relating to>
- 27 5. By renumbering as necessary.

T. OLSON of Linn



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Senate File 2321

H-8361

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, after line 4 by inserting:

5 <DIVISION _____
6 FY 2012-2013 EDUCATION APPROPRIATIONS>

7 2. Page 11, by striking line 7 and inserting
8 <188,774,647>

9 3. Page 11, by striking lines 14 through 28 and
10 inserting:

11	<(1) Merged Area I.....	\$ 9,410,108
12	(2) Merged Area II.....	\$ 9,618,608
13	(3) Merged Area III.....	\$ 8,869,371
14	(4) Merged Area IV.....	\$ 4,362,345
15	(5) Merged Area V.....	\$ 10,583,054
16	(6) Merged Area VI.....	\$ 8,504,520
17	(7) Merged Area VII.....	\$ 12,895,629
18	(8) Merged Area IX.....	\$ 16,261,078
19	(9) Merged Area X.....	\$ 29,382,410
20	(10) Merged Area XI.....	\$ 30,644,465
21	(11) Merged Area XII.....	\$ 10,588,450
22	(12) Merged Area XIII.....	\$ 11,187,562
23	(13) Merged Area XIV.....	\$ 4,444,054
24	(14) Merged Area XV.....	\$ 13,939,682
25	(15) Merged Area XVI.....	\$ 8,083,311>

26 4. Page 11, by striking lines 33 through 37 and
27 inserting:

28 <~~c. For deposit in the workforce training and~~
29 ~~economic development funds created pursuant to section~~
30 ~~260C.18A:~~

31 \$ 2,500,000>

32 5. Page 20, after line 12 by inserting:

33 <DIVISION _____
34 WORKER TRAINING PROGRAMS IN COMMUNITY COLLEGES
35 Sec. _____. Section 84A.6, Code Supplement 2011, is
36 amended by adding the following new subsection:

37 NEW SUBSECTION. 4. The department of workforce
38 development, in consultation with the college student
39 aid commission, shall issue a quarterly report
40 identifying industries in which the department finds
41 a shortage of skilled workers in this state for the
42 purposes of the skilled workforce shortage tuition
43 grant program established in section 261.130.

44 Sec. _____. Section 260C.18A, subsection 1, Code
45 Supplement 2011, is amended by adding the following new
46 paragraph:

47 NEW PARAGRAPH. c. There is appropriated from the
48 general fund of the state to the workforce training and
49 economic development funds, the following amounts:

50 (1) For the fiscal year beginning July 1, 2012,

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1 and ending June 30, 2013, the sum of twelve million
2 dollars.

3 (2) For the fiscal year beginning July 1, 2013,
4 and ending June 30, 2014, the sum of twelve million
5 dollars.

6 (3) For the fiscal year beginning July 1, 2014,
7 and ending June 30, 2015, the sum of twelve million
8 dollars.

9 Sec. _____. Section 260C.18A, subsection 2, Code
10 Supplement 2011, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. j. Development and implementation
13 of the national career readiness certificate and the
14 skills certification system endorsed by the national
15 association of manufacturers.

16 Sec. _____. Section 260I.2, Code Supplement 2011, is
17 amended to read as follows:

18 260I.2 Gap tuition assistance program — fund —
19 appropriation.

20 1. A gap tuition assistance program is established
21 to provide funding to community colleges for need-based
22 tuition assistance to applicants to enable completion
23 of continuing education certificate training programs
24 for in-demand occupations.

25 2. a. There is established for the community
26 colleges a gap tuition assistance fund in the state
27 treasury to be administered by the department of
28 education. The funds in the gap tuition assistance
29 fund are appropriated to the department of education
30 for the gap tuition assistance program.

31 b. There is appropriated from the general fund
32 of the state to the gap tuition assistance fund, the
33 following amounts:

34 (1) For the fiscal year beginning July 1, 2012, and
35 ending June 30, 2013, the sum of two million dollars.

36 (2) For the fiscal year beginning July 1, 2013, and
37 ending June 30, 2014, the sum of two million dollars.

38 (3) For the fiscal year beginning July 1, 2014, and
39 ending June 30, 2015, the sum of two million dollars.

40 c. The aggregate total of grants awarded from the
41 gap tuition assistance fund during a fiscal year shall
42 not be more than two million dollars.

43 d. Moneys in the fund shall be allocated pursuant
44 to the formula established in section 260C.18C.
45 Notwithstanding section 8.33, moneys in the fund
46 at the close of the fiscal year shall not revert
47 to the general fund of the state but shall remain
48 available for expenditure for the purpose designated
49 for subsequent fiscal years. Notwithstanding section
50 12C.7, subsection 2, interest or earnings on moneys in

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1 the fund shall be credited to the fund.
2 Sec. _____. Section 260I.7, Code Supplement 2011, is
3 amended to read as follows:
4 **260I.7 Initial assessment.**
5 An applicant for tuition assistance under this
6 chapter shall complete an initial assessment
7 administered by the community college receiving the
8 application to determine the applicant's readiness
9 to complete an eligible certificate program. The
10 assessment shall include assessments for completion of
11 a national career readiness certificate, including the
12 areas of reading for information, applied mathematics,
13 and locating information. ~~An applicant must achieve a~~
14 ~~bronze-level certificate or the minimum score required~~
15 ~~for an eligible certificate program, whichever is~~
16 ~~higher, in order to be approved for tuition assistance.~~
17 An applicant shall complete any additional assessments
18 and occupational research required by an eligible
19 certificate program.
20 Sec. _____. **NEW SECTION. 261.130 Skilled workforce**
21 **shortage tuition grant program — appropriation.**
22 1. A skilled workforce shortage tuition grant may
23 be awarded to any resident of Iowa who is admitted and
24 in attendance as a full-time or part-time student in
25 a career-technical or career option program to pursue
26 an associate's degree or other training at a community
27 college in the state, and who establishes financial
28 need.
29 2. Skilled workforce shortage tuition grants shall
30 be awarded only to students pursuing a career-technical
31 or career option program in an industry identified as
32 having a shortage of skilled workers by a community
33 college after conducting a regional skills gap analysis
34 or by the department of workforce development in the
35 department's most recent quarterly report pursuant to
36 section 84A.6, subsection 4.
37 3. The amount of a skilled workforce shortage
38 tuition grant shall not exceed the lesser of one-half
39 of a student's tuition and fees for an approved
40 career-technical or career option program or the amount
41 of the student's established financial need.
42 4. All classes identified by the community college
43 as required for completion of the student's approved
44 career-technical or career option program shall be
45 considered a part of the student's career-technical or
46 career option program for the purpose of determining
47 the student's eligibility for a grant. Notwithstanding
48 subsection 5, if a student is making satisfactory
49 academic progress but the student cannot complete
50 a career-technical or career option program in the

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1 time frame allowed for a student to receive a skilled
2 workforce shortage tuition grant as provided in
3 subsection 5 because additional classes are required
4 to complete the program, the student may continue to
5 receive a skilled workforce shortage tuition grant for
6 not more than one additional enrollment period.

7 5. a. A qualified full-time student may receive
8 skilled workforce shortage tuition grants for not
9 more than four semesters or the trimester or quarter
10 equivalent of two full years of study. A qualified
11 part-time student enrolled in a course of study
12 including at least three semester hours but fewer than
13 twelve semester hours or the trimester or quarter
14 equivalent may receive skilled workforce shortage
15 tuition grants for not more than eight semesters or the
16 trimester or quarter equivalent of two full years of
17 full-time study.

18 b. However, if a student resumes study after at
19 least a two-year absence, the student may again be
20 eligible for the specified amount of time, except that
21 the student shall not receive assistance for courses
22 for which credit was previously received.

23 6. A skilled workforce shortage tuition grant shall
24 be awarded on an annual basis, requiring reapplication
25 by the student for each year. Payments under the
26 grant shall be allocated equally among the semesters
27 or quarters of the year upon certification by the
28 community college that the student is in full-time or
29 part-time attendance in a career-technical or career
30 option program consistent with the requirements of
31 this section. If the student discontinues attendance
32 before the end of any term after receiving payment
33 of the grant, the entire amount of any refund due
34 that student, up to the amount of any payments made
35 under the annual grant, shall be paid by the community
36 college to the state.

37 7. If a student receives financial aid under any
38 other program, the full amount of that financial aid
39 shall be considered part of the student's financial
40 resources available in determining the amount of the
41 student's financial need for that period.

42 8. The commission shall administer this program and
43 shall:

44 a. Provide application forms for distribution to
45 students by Iowa high schools and community colleges.

46 b. Adopt rules for approving career-technical or
47 career option programs in industries identified by the
48 department of workforce development pursuant to section
49 84A.6, subsection 4; determining financial need;
50 defining residence for the purposes of this section;

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1 processing and approving applications for grants; and
2 determining priority for grants.
3 *c.* Approve and award grants on an annual basis.
4 *d.* Make an annual report to the governor and
5 general assembly. The report shall include the number
6 of students receiving assistance and the industries
7 identified by the community colleges and by the
8 department of workforce development pursuant to section
9 84A.6, subsection 4, for which students were admitted
10 to a career-technical or career option program.
11 9. Each applicant, in accordance with the rules
12 established by the commission, shall:
13 *a.* Complete and file an application for a skilled
14 workforce shortage tuition grant.
15 *b.* Be responsible for the submission of the
16 financial information required for evaluation of the
17 applicant's need for a grant, on forms determined by
18 the commission.
19 *c.* Report promptly to the commission any
20 information requested.
21 *d.* Submit a new application for reevaluation of
22 the applicant's eligibility to receive a second-year
23 renewal of the grant.
24 10. *a.* There is appropriated from the general
25 fund of the state to the commission for the skilled
26 workforce shortage tuition grant program, the following
27 amounts:
28 (1) For the fiscal year beginning July 1, 2012, and
29 ending June 30, 2013, the sum of six million dollars.
30 (2) For the fiscal year beginning July 1, 2013, and
31 ending June 30, 2014, the sum of six million dollars.
32 (3) For the fiscal year beginning July 1, 2014, and
33 ending June 30, 2015, the sum of six million dollars.
34 *b.* Notwithstanding section 8.33, moneys
35 appropriated in this subsection that remain
36 unencumbered or unobligated at the close of the fiscal
37 year shall not revert but shall remain available for
38 expenditure for the purposes designated until the close
39 of the fiscal year that begins July 1, 2014.>
40 6. By renumbering as necessary.

HALL of Woodbury

WINCKLER of Scott

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STECKMAN of Cerro Gordo

ABDUL-SAMAD of Polk

BERRY of Black Hawk

COHOON of Des Moines

GAINES of Polk

GASKILL of Wapello

HANSON of Jefferson

HEDDENS of Story

HUNTER of Polk

ISENHART of Dubuque

JACOBY of Johnson

KAJTAZOVIC of Black Hawk

KEARNS of Lee



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KELLEY of Jasper

KRESSIG of Black Hawk

LENSING of Johnson

LYKAM of Scott

MASCHER of Johnson

McCARTHY of Polk

H. MILLER of Webster

MUHLBAUER of Crawford

MURPHY of Dubuque

OLDSON of Polk

R. OLSON of Polk

T. OLSON of Linn

PETERSEN of Polk



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RUNNING-MARQUARDT of Linn

T. TAYLOR of Linn

THEDE of Scott

THOMAS of Clayton

WESSEL-KROESCHELL of Story

WITTNEBEN of Emmet

WOLFE of Clinton



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Senate File 2321

H-8362

- 1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 12, line 38, by striking <191,737,311> and
5 inserting <221,538,802>
6 2. Page 14, after line 27 by inserting:
7 <m. For the Iowa flood center for use by the
8 university's college of engineering pursuant to section
9 466C.1:
10 \$ 1,500,000>
11 3. Page 14, line 34, by striking <154,245,198> and
12 inserting <173,592,567>
13 4. Page 15, line 22, by striking <71,734,586> and
14 inserting <82,939,749>
15 5. Page 15, line 38, by striking <1,734,656> and
16 inserting <4,734,656>

WESSEL-KROESCHELL of Story

HEDDENS of Story

JACOBY of Johnson

MASCHER of Johnson

LENSING of Johnson

WILLEMS of Linn

BERRY of Black Hawk

KAJTAZOVIC of Black Hawk



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KRESSIG of Black Hawk

WINCKLER of Scott

HANSON of Jefferson

STECKMAN of Cerro Gordo

ABDUL-SAMAD of Polk

GAINES of Polk

GASKILL of Wapello

HUNTER of Polk

ISENHART of Dubuque

KEARNS of Lee

McCARTHY of Polk

MUHLBAUER of Crawford

MURPHY of Dubuque



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OLDSO of Polk

R. OLSON of Polk

T. OLSON of Linn

PETERSEN of Polk

RUNNING-MARQUARDT of Linn

T. TAYLOR of Linn

WITTNEBEN of Emmet

WOLFE of Clinton



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Senate File 2321

H-8363

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 18, after line 13 by inserting:
5 <Sec. _____. Section 261.19, subsection 3, Code
6 Supplement 2011, is amended to read as follows:
7 3. A health care professional recruitment revolving
8 fund is created in the state treasury as a separate
9 fund under the control of the commission for deposit of
10 moneys appropriated to or received by the commission
11 for use under the program. The commission shall
12 deposit payments made by health care professional
13 recruitment program recipients and the proceeds from
14 the sale of osteopathic loans awarded pursuant to
15 section 261.19, subsection 2, paragraph "b", Code 2011,
16 into the health care professional recruitment revolving
17 fund. Moneys credited to the fund shall be used to
18 supplement moneys appropriated for the health care
19 professional recruitment program, for loan repayment
20 in accordance with this section, and to pay for loan
21 or interest repayment defaults by program recipients.
22 Notwithstanding section 8.33, any balance in the fund
23 on June 30 of any fiscal year shall not revert to the
24 general fund of the state but shall remain in the fund
25 and be continuously available for loan forgiveness
26 under the program. Notwithstanding section 12C.7,
27 subsection 2, interest or earnings on moneys deposited
28 in the fund shall be credited to the fund.>
29 2. By renumbering as necessary.

WINCKLER of Scott

HEDDENS of Story

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Senate File 2321

H-8364

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 20 through 25 and
5 inserting:
6 <9. BARBER AND COSMETOLOGY ARTS AND SCIENCES
7 TUITION GRANT PROGRAM
8 For purposes of the barber and cosmetology arts and
9 sciences tuition grant program established pursuant to
10 section 261.18:
11 \$ ~~18,469~~
12 36,938>
13 2. By renumbering as necessary.

STECKMAN of Cerro Gordo

WINCKLER of Scott

ISENHART of Dubuque



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Senate File 2321

H-8365

1 Amend the amendment, H-8327, to Senate File 2321,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, line 44, by striking <4,024,434> and
5 inserting <6,969,021>

WINCKLER of Scott

LENSING of Johnson



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Senate File 2321

H-8366

- 1 Amend the amendment, H-8327, to Senate File 2321,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, by striking lines 34 through 45.
- 5 2. By renumbering as necessary.

ABDUL-SAMAD of Polk

GAINES of Polk



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Senate File 2038

H-8367

- 1 Amend the amendment, H-8310, to Senate File 2038, as
2 passed by the Senate, as follows:
3 1. Page 1, line 44, by striking ~~<commissioner or~~
4 ~~other>~~ and inserting <commissioner or other>
5 2. Page 1, line 45, after <training> by inserting
6 <, provided that a commissioner shall be responsible
7 for all costs associated with the commissioner's
8 attendance and completion of such certification
9 training course>
10 3. Page 1, line 47, by striking ~~<commissioner,>~~ and
11 inserting <commissioner,>
12 4. Page 1, line 50, by striking ~~<commissioner,>~~ and
13 inserting <commissioner,>

HAGER of Allamakee

H8310.5449 (1) 84

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Senate File 451

H-8368

- 1 Amend the amendment, H-8339, to Senate File 451,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking lines 31 through 45 and
5 inserting:
6 <3. *Limitation.* For the fiscal year beginning July
7 1, 2013, and each succeeding fiscal year, the ratio of
8 the amount of modified allowable growth established by
9 the department of management compared to the school
10 district's total regular program district cost shall
11 not exceed two and one-half percent. However, if the
12 school district's highest such ratio so determined for
13 any fiscal year beginning on or after July 1, 2009,
14 but before July 1, 2012, exceeded two and one-half
15 percent, the ratio shall not exceed the highest such
16 ratio established during that period.>
17 2. By renumbering as necessary.

KOESTER of Polk

H8339.5413 (2) 84

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Senate File 364

H-8369

1 Amend Senate File 364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 35 by inserting:

4 <Sec. _____. Section 148B.2, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. "*Occupational therapy*" means the therapeutic
7 ~~application of specific tasks used for the purpose of~~
8 ~~evaluation and treatment of problems interfering with~~
9 ~~functional performance in persons impaired by physical~~
10 ~~illness or injury, emotional disorder, congenital or~~
11 ~~developmental disability, or the aging process in~~
12 ~~order to achieve optimum function, for maintenance of~~
13 ~~health and prevention of disability use of occupations,~~
14 ~~including everyday life activities with individuals,~~
15 ~~groups, populations, or organizations to support~~
16 ~~participation, performance, and function in roles and~~
17 ~~situations in home, school, workplace, community, and~~
18 ~~other settings. Occupational therapy services are~~
19 ~~provided for habilitation, rehabilitation, and the~~
20 ~~promotion of health and wellness to those who have~~
21 ~~or are at risk for developing an illness, injury,~~
22 ~~disease, disorder, condition, impairment, disability,~~
23 ~~activity limitation, or participation restriction.~~
24 Occupational therapy addresses the physical, cognitive,
25 psychosocial, sensory-perceptual, and other aspects of
26 performance in a variety of contexts and environments
27 to support engagement in occupations that affect
28 physical and mental health, well-being, and quality of
29 life.

30 Sec. _____. Section 148B.3, subsection 5, Code 2011,
31 is amended by striking the subsection.

32 Sec. _____. Section 148B.3, subsection 6, Code 2011,
33 is amended to read as follows:

34 6. A nonresident performing occupational therapy
35 services in the state who is not licensed under
36 this chapter, if the services are performed for not
37 more than ~~ninety~~ thirty days in a calendar year in
38 association with an occupational therapist licensed
39 under this chapter, and the nonresident meets either of
40 the following requirements:

41 a. The nonresident is licensed under the law of
42 another state which has licensure requirements at least
43 as stringent as the requirements of this chapter, or.

44 b. The nonresident meets the requirements for
45 certification as an occupational therapist registered
46 (O.T.R.), or a certified occupational therapy assistant
47 (C.O.T.A.) established by the American national board
48 for certification in occupational therapy association.

49 Sec. _____. Section 148B.4, Code 2011, is amended to
50 read as follows:

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1 **148B.4 Limited permit.**

2 1. A limited permit to practice occupational
3 therapy may be granted to persons a person who have
4 has completed the education and experience academic
5 and field work requirements of for occupational
6 therapists under this chapter and has not yet taken or
7 received the results of the entry-level certification
8 examination. This permit shall A permit granted
9 pursuant to this subsection shall be valid for a period
10 of time as determined by the board by rule and shall
11 allow the person to practice occupational therapy under
12 the direction and appropriate supervision of a licensed
13 an occupational therapist and shall be valid until
14 the date on which the results of the next qualifying
15 examination have been made public licensed under this
16 chapter. This The permit shall expire when the person
17 is issued a license under section 148B.5 or if the
18 person is notified that the person did not pass the
19 examination. The limited permit shall not be renewed
20 if the applicant has failed the examination.

21 2. A limited permit to assist in the practice of
22 occupational therapy may be granted to a person who
23 has completed the academic and field work requirements
24 for occupational therapy assistants under this chapter
25 and has not yet taken or received the results of the
26 entry-level certification examination. A permit
27 granted pursuant to this subsection shall be valid for
28 a period of time as determined by the board by rule
29 and shall allow the person to assist in the practice
30 of occupational therapy under the direction and
31 appropriate supervision of an occupational therapist
32 licensed under this chapter. The permit shall expire
33 when the person is issued a license under section
34 148B.5 or if the person is notified that the person did
35 not pass the examination. The limited permit shall not
36 be renewed.

37 Sec. ____. Section 148B.6, Code 2011, is amended to
38 read as follows:

39 **148B.6 Waiver of requirements for licensing.**

40 1. The board may waive the examination and grant a
41 license:

42 1. To a person certified prior to January
43 1, 1981, as an occupational therapist registered
44 (O.T.R.) or a certified occupational therapy assistant
45 (C.O.T.A.) by the American Occupational Therapy
46 Association occupational therapy association.

47 2. The board shall waive the education and
48 experience requirements for licensure in section
49 148B.5, subsections 1 and 2, for applicants for a
50 license who present evidence to the board that they

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1 ~~have been engaged in the practice of occupational~~
2 ~~therapy on and prior to January 1, 1981. Proof of~~
3 ~~actual practice shall be presented to the board in a~~
4 ~~manner as it prescribes by rule. To obtain the benefit~~
5 ~~of this waiver, an applicant must successfully complete~~
6 ~~the examination within one year from January 1, 1981.~~
7 ~~However, the waiver is conditional upon the applicant~~
8 ~~satisfying the education and experience requirements of~~
9 ~~section 148B.5, subsections 1 and 2, within five years~~
10 ~~of the waiver being granted and if those requirements~~
11 ~~are not satisfied at the expiration of those five years~~
12 ~~the board shall revoke the license.~~

13 ~~3. 2. The board may waive the examination and~~
14 ~~grant a license to To an applicant who presents proof~~
15 ~~of current licensure as an occupational therapist~~
16 ~~or occupational therapy assistant in another state,~~
17 ~~the District of Columbia, or a territory of the~~
18 ~~United States which requires standards for licensure~~
19 ~~considered by the board to be equivalent to the~~
20 ~~requirements for licensure of this chapter.~~

21 Sec. ____. **NEW SECTION. 148B.8 Unlawful practice.**

22 1. A person shall not practice occupational therapy
23 or assist in the practice of occupational therapy,
24 provide occupational therapy services, hold oneself out
25 as an occupational therapist or occupational therapy
26 assistant or as being able to practice occupational
27 therapy or assist in the practice of occupational
28 therapy, or provide occupational therapy services in
29 this state unless the person is licensed under this
30 chapter.

31 2. It is unlawful for any person not licensed as an
32 occupational therapist in this state or whose license
33 is suspended or revoked to use in connection with the
34 person's name or place of business in this state the
35 words "*occupational therapist*", "*licensed occupational*
36 *therapist*", or any word, title, letters, or designation
37 that implies that the person is an occupational
38 therapist.

39 3. It is unlawful for any person not licensed as an
40 occupational therapy assistant in this state or whose
41 license is suspended or revoked to use in connection
42 with the person's name or place of business in this
43 state, the words "*occupational therapy assistant*",
44 "*licensed occupational therapy assistant*", or any word,
45 title, letters, or designation that implies that the
46 person is an occupational therapy assistant.

47 Sec. ____. **NEW SECTION. 148B.9 False use of titles**
48 **prohibited.**

49 A person or business entity, including the
50 employees, agents, or representatives of the

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1 business entity, shall not use in connection with
2 that person or business entity's business activity,
3 the words "occupational therapy", "occupational
4 therapist", "licensed occupational therapist", "doctor
5 of occupational therapy", "occupational therapy
6 assistant", "licensed occupational therapy assistant",
7 or the letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.",
8 "O.T.A./L.", or any words, abbreviations, or insignia
9 indicating or implying that occupational therapy
10 is provided or supplied unless such services are
11 provided by or under the direction and supervision of
12 an occupational therapist licensed pursuant to this
13 chapter.>
14 2. Title page, line 1, by striking <of> and
15 inserting <and regulation of persons offering
16 occupational therapy services, and>
17 3. By renumbering as necessary.

KOESTER of Polk



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Senate Amendment to
House File 2292

H-8370

- 1 Amend House File 2292, as passed by the House, as
- 2 follows:
- 3 1. Page 1, after line 13 by inserting:
- 4 <Sec. _____. FEDERAL LAW. A person who confines fish
- 5 as provided in this Act shall comply with applicable
- 6 national pollutant discharge elimination system permit
- 7 requirements as provided in the federal Water Pollution
- 8 Control Act, 33 U.S.C. ch. 26, as amended, and 40
- 9 C.F.R. pts. 122 and 412.>
- 10 2. By renumbering as necessary.

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Senate File 2245

H-8371

- 1 Amend Senate File 2245, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 5 and 6, by striking <committee,
4 and provide staffing assistance to the committee>
5 2. Page 1, line 6, by striking <committee shall>
6 3. Page 1, line 6, after <study> by inserting
7 <shall evaluate>
8 4. Page 1, line 9, by striking <committee> and
9 inserting <study>
10 5. By striking page 1, line 13, through page 2,
11 line 3.
12 6. Page 2, line 4, by striking <committee> and
13 inserting <commandant of the Iowa veterans home>
14 7. Page 2, line 4, after <the> by inserting
15 <department of veterans affairs, the commission of
16 veterans affairs, the department of public health, the>
17 8. Page 2, lines 7 and 8, by striking <In the
18 report the committee shall advise or> and inserting
19 <The report shall>
20 9. By renumbering as necessary.

CHAMBERS of O'Brien



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House File 2449

H-8372

1 Amend House File 2449 as follows:

2 1. Page 2, by striking lines 12 through 30.

3 2. By striking page 3, line 25, through page 4,
4 line 17, and inserting:

5 <Sec. _____. STATE EMPLOYEE HEALTH INSURANCE TASK
6 FORCE.

7 1. A state employee health insurance task force
8 is created under the authority of the legislative
9 council. Members of the task force shall be appointed
10 by the legislative council and shall include but
11 not be limited to members of the general assembly;
12 representatives of employee organizations representing
13 state employees; representatives of employers of
14 state employees, including the judicial branch;
15 representatives involved in administering employee
16 health benefits from the department of administrative
17 services; and representatives from insurers providing
18 group health insurance to state employees.

19 2. The task force shall examine all aspects of
20 providing health care coverage to state employees
21 and their families with the goal of providing quality
22 health care coverage at an affordable cost. The task
23 force shall examine strategies for reducing the cost
24 of health care coverage, including but not limited to
25 wellness and other comparable programs.

26 3. The task force shall submit a report, including
27 its findings and recommendations, to the general
28 assembly by December 31, 2012.>

29 3. By striking page 4, line 33, through page 5,
30 line 8, and inserting:

31 <DIVISION _____
32 SPAN OF CONTROL

33 Sec. _____. SPAN OF CONTROL COMPLIANCE.

34 1. The department of management, in collaboration
35 with the department of administrative services,
36 shall comply with the requirements of section 8A.402,
37 subsection 2, paragraph "g", concerning the ratio of
38 supervisory employees to other employees in executive
39 branch agencies.

40 2. In complying with the requirements of subsection
41 1, the department of management shall, by July 31,
42 2012, do all of the following:

43 a. Ensure that a five-member review board as
44 described in section 8A.402, subsection 2, paragraph
45 "g", is established.

46 b. Submit a report to the general assembly
47 documenting, for all applicable executive branch
48 agencies, whether the executive branch agency
49 has met the target aggregate ratio as provided in
50 section 8A.402, subsection 2, paragraph "g", has

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ec/rj

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1 been granted an exception to the policy through the
2 executive council, or has been granted a waiver by the
3 five-member review board.

4 3. Notwithstanding any provision of law to the
5 contrary, any appropriation from the general fund
6 of the state to the department of management for the
7 fiscal year beginning July 1, 2012, and ending June
8 30, 2013, shall be reduced by ten percent if the
9 department of management fails to comply with all of
10 the requirements of subsection 2.

11 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
12 of this Act, being deemed of immediate importance,
13 takes effect upon enactment.>

14 4. By renumbering, redesignating, and correcting
15 internal references as necessary.

LENSING of Johnson



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Senate File 2316

H-8373

1 Amend the amendment, H-8328, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, after line 17 by inserting:

5 <DIVISION
6 ECONOMIC DEVELOPMENT AUTHORITY — CONTINGENT
7 APPROPRIATION

8 Sec. ____ . ECONOMIC DEVELOPMENT AUTHORITY —
9 APPROPRIATION.

10 1. For the fiscal year beginning July 1, 2013,
11 and ending June 30, 2014, there is appropriated from
12 the rebuild Iowa infrastructure fund to the economic
13 development authority \$2,000,000 for the Des Moines
14 area regional transit authority (DART) to develop a
15 bus rapid transit service including the acquisition
16 of specialty hybrid buses, construction of electronic
17 infrastructure, construction of bus stations, and
18 related improvements to develop a rapid transit
19 service, notwithstanding section 8.57, subsection 6,
20 paragraph "c".

21 2. This appropriation is contingent upon the
22 authority's receipt of local funds and the receipt of
23 a federal grant, by December 31, 2013, in an amount
24 sufficient to complete the project. The authority
25 shall notify the legislative services agency and the
26 department of management if such funds are received no
27 later than January 15, 2014.

28 Sec. ____ . REVERSION. For purposes of section 8.33,
29 unless specifically provided otherwise, unencumbered
30 or unobligated moneys made from an appropriation in
31 this division of this Act shall not revert but shall
32 remain available for expenditure for the purposes
33 designated until the close of the fiscal year that ends
34 three years after the end of the fiscal year for which
35 the appropriation is made. However, if the project
36 or projects for which such appropriation was made are
37 completed in an earlier fiscal year, unencumbered or
38 unobligated moneys shall revert at the close of that
39 same fiscal year.>

40 2. By renumbering as necessary.

OLDSON of Polk

PETERSEN of Polk

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rh/tm

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ABDUL-SAMAD of Polk

GAINES of Polk

HUNTER of Polk

R. OLSON of Polk



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Senate File 430

H-8374

1 Amend the amendment, H-8270, to Senate File 430,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, after line 18 by inserting:
5 <____. Page 3, by striking lines 32 through 35 and
6 inserting:
7 <2. Appointments to the board shall be subject to
8 sections 69.16 and 69.16A.>>
9 2. Page 2, after line 27 by inserting:
10 <____. Page 9, line 25, after <respondent.> by
11 inserting <Notwithstanding section 17A.10A, if there
12 are no material facts in dispute, the board may order
13 that the contested case procedures relating to the
14 presentation of evidence shall not apply.>
15 _____. Page 10, after line 11 by inserting:
16 <(3) Require the respondent to take any remedial
17 action deemed appropriate by the board.>>
18 3. By renumbering as necessary.

ROGERS of Black Hawk

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rh/rj

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Senate File 2311

H-8375

- 1 Amend Senate File 2311, as passed by the Senate, as
2 follows:
3 1. Page 54, after line 17 by inserting:
4 <DIVISION _____
5 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
6 FUND BOARD
7 Sec. _____. Section 455G.4, subsection 1, paragraph
8 a, subparagraphs (4) and (5), Code Supplement 2011, are
9 amended to read as follows:
10 (4) ~~Two One~~ public ~~members~~ member appointed by
11 the governor and confirmed by the senate to ~~staggered~~
12 ~~a four-year terms, except that, of the first members~~
13 ~~appointed, one public member shall be appointed~~
14 ~~for a term of two years and one for a term of four~~
15 ~~years term.~~ A public member shall have experience,
16 knowledge, and expertise of the subject matter embraced
17 within this chapter. The ~~two~~ public ~~members~~ member
18 shall have experience in either, or both, financial
19 markets or insurance.
20 (5) ~~Two~~ Four owners or operators appointed by the
21 governor as follows:
22 (a) One member shall be an owner or operator who is
23 self-insured.
24 (b) One member shall be a member of the petroleum
25 marketers and convenience stores of Iowa or its
26 designee.
27 (c) One member shall be an owner or operator of
28 sites in more than one state.
29 (d) One member shall be an owner or operator of a
30 single site.
31 Sec. _____. Section 455G.4, subsection 1, paragraph
32 b, Code Supplement 2011, is amended by striking the
33 paragraph.>
34 2. By renumbering as necessary.

S. OLSON of Clinton

PAUSTIAN of Scott

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tm/rj

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Senate File 2316

H-8376

1 Amend the amendment, H-8328, to Senate File 2316,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 6, after line 17 by inserting:

5 <DIVISION
6 ENDOWMENT FOR IOWA'S HEALTH RESTRICTED CAPITALS FUND
7 ACCOUNT — APPROPRIATION

8 Sec. _____. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED
9 CAPITALS FUND ACCOUNT. There is appropriated from
10 the endowment for Iowa's health restricted capitals
11 fund account to the department of education for the
12 fiscal year beginning July 1, 2012, and ending June 30,
13 2013, the following amount, or so much thereof as is
14 necessary, to be used for the purpose designated:

15 For major renovation and major repair needs,
16 including health, life, and fire safety needs and for
17 compliance with the federal Americans with Disabilities
18 Act, for state buildings and facilities under the
19 purview of the community colleges:

20 \$ 2,000,000

21 Sec. _____. REVERSION. For purposes of section 8.33,
22 unless specifically provided otherwise, unencumbered
23 or unobligated moneys made from an appropriation in
24 this division of this Act shall not revert but shall
25 remain available for expenditure for the purposes
26 designated until the close of the fiscal year that ends
27 one year after the end of the fiscal year for which
28 the appropriation is made. However, if the project
29 or projects for which such appropriation was made are
30 completed in an earlier fiscal year, unencumbered or
31 unobligated moneys shall revert at the close of that
32 same fiscal year.>

33 2. Page 6, after line 19 by inserting:

34 Sec. _____. 2009 Iowa Acts, chapter 170, section 25,
35 subsection 1, is amended to read as follows:

36 d. DEPARTMENT OF PUBLIC SAFETY

37 For construction of a state emergency response
38 training facility to be located in merged area XI:

39 \$ 2,000,000

40 0>

41 3. Page 10, by striking lines 2 and 3 and inserting
42 <rebuild Iowa infrastructure fund, the technology
43 reinvestment fund, and the endowment for Iowa's health
44 restricted capitals fund, providing for related>

45 4. By renumbering as necessary.

COHOON of Des Moines

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Senate File 451

H-8377

1 Amend the amendment, H-8339, to Senate File 451,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, by striking line 46 and inserting:
5 <Sec. _____. APPLICABILITY.
6 1. Notwithstanding section 257.38, subsection 1,
7 section 257.40, subsection 1, or any other provision of
8 law to the contrary, the section of this Act enacting
9 section 257.41, subsection 2, is applicable to budget
10 years beginning on or after July 1, 2012, for purposes
11 of the appropriate uses of funding for returning
12 dropout and dropout prevention program plans approved
13 for budget years beginning on or after July 1, 2012.
14 2. The section of this Act enacting section 257.41,
15 subsection 3, is applicable to>
16 2. By renumbering as necessary.

KOESTER of Polk



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House File 2455 - Introduced

HOUSE FILE 2455
BY COMMITTEE ON GOVERNMENT
OVERSIGHT

(SUCCESSOR TO HSB 663)

A BILL FOR

1 An Act relating to the examinations of the finances of certain
2 cities and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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aw/sc



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H.F. 2455

1 Section 1. Section 11.6, subsection 1, paragraph a, Code
2 Supplement 2011, is amended to read as follows:
3 a. (1) Except for entities organized under chapter 28E
4 having gross receipts of one hundred thousand dollars or less
5 in a fiscal year, the financial condition and transactions of
6 all government subdivisions shall be audited ~~at least once each~~
7 year annually, except that cities having a population of ~~seven~~
8 ~~hundred or more but less than two thousand shall be examined at~~
9 ~~least once every four years~~ and budgeted gross expenditures of
10 one million dollars or more in a fiscal year shall be subject
11 to a required fiscal year examination for that fiscal year
12 according to procedures established by the office of auditor
13 of state, and cities having a population of less than ~~seven~~
14 ~~hundred~~ two thousand and budgeted gross expenditures of less
15 than one million dollars in a fiscal year shall be subject
16 to periodic examination by the auditor of state according to
17 procedures established by the auditor of state, and may be
18 examined as otherwise provided in this section. However, a
19 city having a population of less than two thousand and budgeted
20 gross expenditures of one million dollars or more in a fiscal
21 year shall not be subject to a required fiscal year examination
22 until the city has two consecutive years of budgeted gross
23 expenditures of one million dollars or more in both fiscal
24 years, and such examination shall be conducted during the
25 second of such fiscal years. A city meeting the requirements
26 for a periodic examination shall be subject to an examination
27 under this section at least once during an eight-year period
28 at a time determined by the auditor of state. The audit of
29 school districts shall include an audit of all school funds
30 including categorical funding provided by the state, the
31 certified annual financial report, the certified enrollment as
32 provided in section 257.6, supplementary weighting as provided
33 in section 257.11, and the revenues and expenditures of any
34 nonprofit school organization established pursuant to section
35 279.62. Differences in certified enrollment shall be reported



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H.F. 2455

1 to the department of management. The audit of school districts
2 shall include at a minimum a determination that the laws of
3 the state are being followed, that categorical funding is not
4 used to supplant other funding except as otherwise provided,
5 that supplementary weighting is pursuant to an eligible
6 sharing condition, and that postsecondary courses provided in
7 accordance with section 257.11 and chapter 261E supplement,
8 rather than supplant, school district courses. The audit of
9 a city that owns or operates a municipal utility providing
10 local exchange services pursuant to chapter 476 shall include
11 performing tests of the city's compliance with section 388.10.
12 The audit of a city that owns or operates a municipal utility
13 providing telecommunications services pursuant to section
14 388.10 shall include performing tests of the city's compliance
15 with section 388.10.

16 (2) Subject to the exceptions and requirements of
17 subsections 2 and 3, and subsection 4, paragraph "a",
18 subparagraph (3), audits or required fiscal year examinations
19 shall be made as determined by the governmental subdivision
20 either by the auditor of state or by certified public
21 accountants, certified in the state of Iowa, and they shall
22 be paid from the proper public funds of the governmental
23 subdivision. However, a periodic examination of a city shall
24 be conducted by the auditor of state or by a certified public
25 accountant employed by the auditor of state pursuant to section
26 11.32, and shall be paid from examination fees collected
27 pursuant to subsection 10A.

28 Sec. 2. Section 11.6, Code Supplement 2011, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 10A. a. The auditor of state shall
31 adopt rules in accordance with chapter 17A to establish and
32 collect a periodic examination fee from cities that are not
33 required to have an audit or required fiscal year examination
34 conducted pursuant to subsection 1 during a fiscal year. Such
35 fees are due on March 31 each year. The auditor of state

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1 shall base the fees on a sliding scale, based on the city's
2 budgeted gross expenditures, to produce total revenue of not
3 more than three hundred seventy-five thousand dollars for
4 each fiscal year. However, cities that pay a filing fee for
5 an audit or examination pursuant to subsection 10 during the
6 fiscal year are not required to pay the examination fee. The
7 funds collected shall be maintained in a segregated account
8 for use by the office of the auditor of state in performing
9 periodic examinations conducted pursuant to subsection 1.
10 However, if the fees collected in one fiscal year exceed three
11 hundred seventy-five thousand dollars, the auditor of state
12 shall apply the excess funds to provide training to city
13 officials on municipal financial management or shall contract
14 with a qualified organization to provide such training.
15 Notwithstanding section 8.33, any fees collected by the auditor
16 of state for these purposes that remain unexpended at the end
17 of the fiscal year shall not revert to the general fund of the
18 state or any other fund but shall remain available for use
19 for the following fiscal year for the ~~same purpose~~ purposes
20 authorized in this subsection.

21 b. The auditor of state shall provide an annual report by
22 January 15 of each year to the general assembly's standing
23 committees on government oversight, advising the general
24 assembly on the status of the account created in this
25 subsection and on the status of the required fiscal year
26 examinations and periodic examinations of cities.

27 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
28 3, shall not apply to this Act.

29 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2013.

EXPLANATION

31 This bill relates to the examination of city finances
32 for cities with populations of less than 2,000. Current law
33 requires that cities with populations of 700 or more but less
34 than 2,000 be examined once every four years. Current law
35 states that cities for which an audit is not required may be

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1 audited or examined as determined by the city or upon petition
2 of taxpayers.

3 The bill requires that cities with a population of less
4 than 2,000 and with budgeted gross expenditures of \$1 million
5 or more in two consecutive fiscal years submit to a required
6 examination conducted by the auditor of state or a certified
7 public accountant chosen by the city during the second budgeted
8 fiscal year. The bill provides that such examinations shall
9 be conducted by procedures adopted by the auditor of state
10 and shall be paid from the proper funds of the governmental
11 subdivision.

12 The bill further requires that cities with a population
13 of less than 2,000 and with budgeted gross expenditures of
14 less than \$1 million submit to periodic examinations by the
15 auditor of state or a certified public accountant employed by
16 the auditor of state. The bill requires that a city subject
17 to such periodic examination requirements be examined at least
18 once during an eight-year period at a time determined by the
19 auditor of state. The bill states that such examinations shall
20 be conducted according to procedures adopted by the auditor of
21 state.

22 The bill retains the requirement that cities for which an
23 audit is not required shall be audited upon petition of its
24 taxpayers.

25 The bill requires that the auditor of state establish and
26 collect a periodic examination fee that shall be paid by all
27 cities not subject to an annual audit or required fiscal year
28 examination, and provides that such fees shall be maintained in
29 a segregated account and are not subject to reversion to the
30 general fund of the state or any other fund. The bill requires
31 that the auditor of state base such fees upon a sliding scale
32 based upon a city's budgeted gross expenditures to produce
33 a total revenue of not more than \$375,000 in a fiscal year.
34 The bill provides that if fees collected exceed \$375,000, any
35 excess funds shall be used to provide municipal financial

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1 management training to city officials. The bill requires that
2 the cost of conducting the periodic examinations under the bill
3 shall be paid by the auditor of state from this segregated
4 account.

5 The bill also requires that the auditor of state report by
6 January 15 of each year to the general assembly's standing
7 committees on government oversight on the status of the
8 segregated account created for the conduct of periodic
9 examinations and on the status of the required fiscal year
10 examinations and periodic examinations of cities.

11 The bill may include a state mandate as defined in Code
12 section 25B.3. The bill makes inapplicable Code section 25B.2,
13 subsection 3, which would relieve a political subdivision from
14 complying with a state mandate if funding for the cost of
15 the state mandate is not provided or specified. Therefore,
16 political subdivisions are required to comply with any state
17 mandate included in the bill.

18 The bill takes effect July 1, 2013.



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House Resolution 133 - Introduced

HOUSE RESOLUTION NO. 133

BY HALL, R. OLSON, GAINES, ABDUL-SAMAD, M. SMITH,
HUNTER, COWNIE, KOESTER, WENTHE, OLDSO, and
PETERSEN

1 A Resolution to honor Music Circuit Presentations for
2 four decades of service to Iowa's live music scene.
3 WHEREAS, In 1972, Richard Nixon was reelected
4 President of the United States, the TV series "MASH"
5 premiered on CBS TV, the Dallas Cowboys crushed
6 Miami 24 to 3 in Super Bowl VI, "Grease" opened on
7 Broadway, White House "plumbers" broke into Democratic
8 headquarters at Watergate, and Steve White created a
9 new concert promotions company, named Music Circuit
10 Presentations; and

11 WHEREAS, Music Circuit Presentations had its roots
12 in a small record store that Steve White opened the
13 previous year in Des Moines, near Drake University; and

14 WHEREAS, in that first year, Music Circuit
15 Presentations booked a show for the Surf Ballroom
16 featuring REO Speedwagon and Enoch Smoky, and in 1973
17 Music Circuit Presentations brought the Grateful Dead
18 to Des Moines; and

19 WHEREAS, in 1974, Music Circuit Presentations
20 introduced the Iowa Jam festival, hosting over the
21 years during that Memorial Day weekend event such
22 performers as ZZ Top, the J. Geils Band, the Eagles,
23 Santana, Fleetwood Mac, Bob Seger, and Ted Nugent; and

24 WHEREAS, for more than 40 years Music Circuit
25 Presentations has promoted over 1,200 shows throughout
26 the Midwest, and in 2008, Music Circuit Presentations

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H.R. 133

1 was inducted into the Iowa Rock'n Roll Music
2 Association Hall of Fame; NOW THEREFORE,
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
4 That on the occasion of his retirement, the House of
5 Representatives honors Steve White and all those who
6 were a part of Music Circuit Presentations, for their
7 contributions to the arts and for their work in making
8 Iowa a prime venue for live music.

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House Study Bill 671 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to early school start date provisions,
2 establishing a waiver application fee, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6111YC (2) 84
kh/rj



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H.F. _____

1 Section 1. Section 257.17, Code 2011, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does
9 not apply to a school district that has received approval
10 from the ~~director of the~~ department of education ~~under for~~
11 a pilot program for an innovative school year in accordance
12 with section 279.10, subsection 4 3, or to commence classes
13 for regularly established elementary and secondary schools in
14 advance of the starting earliest start date established in
15 accordance with section 279.10, subsection 1 4.

16 Sec. 2. Section 279.10, subsections 1, 2, and 4, Code 2011,
17 are amended to read as follows:

18 1. The school year shall begin on the first day of July
19 and each regularly established elementary and secondary school
20 shall begin no sooner than ~~a day during the calendar week in~~
21 ~~which the first day of September falls 1,~~ but no later than
22 the first Monday in December. ~~However, if the first day of~~
23 ~~September falls on a Sunday, school may begin on a day during~~
24 ~~the calendar week which immediately precedes the first day of~~
25 ~~September, unless the school district has received approval~~
26 from the department of education for a pilot program for an
27 innovative school year in accordance with subsection 3 or for
28 an early start date pursuant to subsection 4. The earliest
29 start date specified in this section shall not apply to a
30 school district that maintains a year around three-semester
31 school year. School shall continue for at least one hundred
32 eighty days, except as provided in subsection 3, and may be
33 maintained during the entire calendar year. However, if the
34 board of directors of a district extends the school calendar
35 because inclement weather caused the district to temporarily

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1 close school during the regular school calendar, the district
2 may excuse a graduating senior who has met district or school
3 requirements for graduation from attendance during the extended
4 school calendar. A school corporation may begin employment
5 of personnel for in-service training and development purposes
6 before the date to begin elementary and secondary school.

7 2. The board of directors shall hold a public hearing on
8 any proposal for a pilot program for an innovative school year
9 prior to submitting ~~it~~ such a request to the department of
10 education for approval pursuant to subsection 3.

11 4. ~~The director of the~~ department of education may grant
12 a request made by a board of directors of a school district
13 ~~stating its desire~~ to waive the start day restriction in
14 subsection 1, and to commence classes for regularly established
15 elementary and secondary schools prior to the earliest ~~starting~~
16 start date specified in subsection 1, but the earliest start
17 date granted shall be no earlier than the fourth Monday of
18 August. A request shall be based upon the determination that a
19 starting date on or after the earliest starting date specified
20 in subsection 1 would have a significant negative educational
21 impact. The department shall charge one hundred dollars as a
22 waiver application fee. The fees collected by the department
23 shall be deposited in the general fund of the state.

24 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2013.

25 Sec. 4. APPLICABILITY. This Act is applicable to school
26 years beginning on or after July 1, 2013.

27 EXPLANATION

28 This bill changes the earliest school start date to
29 September 1 and limits the authority of the department of
30 education to grant a school district's request to commence
31 classes prior to the earliest start date allowed to a date no
32 earlier than the fourth Monday of August. The bill requires
33 the department to charge a waiver application fee of \$100,
34 which the department must deposit in the general fund of the
35 state.

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H.F. _____

1 Currently the earliest start date is a day during the
2 calendar week in which the first day of September falls or,
3 if the first day of September falls on a Sunday, a day during
4 the prior week, and the earliest start date the department
5 is authorized to grant is unspecified. School districts
6 that maintain a year around three-semester school year or
7 an innovative school year pilot program are exempt from the
8 earliest start date requirements.

9 The bill makes conforming changes to modify a provision
10 that provides for a reduction in school foundation aid when
11 school districts implement early school starts. The bill also
12 includes a technical correction.

13 The bill takes effect July 1, 2013, for school years
14 beginning on or after July 1, 2013.



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House Study Bill 672 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to the regulation of snowmobiles, all-terrain
2 vehicles, and watercraft by the department of natural
3 resources, establishing fees, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 321G.1, Code 2011, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means
4 a snowmobile riding trail on any public land, private land,
5 or public ice that has been designated by the department,
6 a political subdivision, or a controlling authority for
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide
9 supervision of another person while maintaining visual and
10 verbal contact at all times.

11 NEW SUBSECTION. 11A. "*Nonresident*" means a person who is
12 not a resident of this state.

13 NEW SUBSECTION. 15A. "*Public ice*" means any frozen,
14 navigable waters within the territorial limits of this state
15 and the frozen marginal river areas adjacent to this state,
16 other than farm ponds, that are under the jurisdiction of the
17 commission.

18 NEW SUBSECTION. 16A. "*Public water*" means any navigable
19 waters within the territorial limits of this state and the
20 marginal river areas adjacent to this state, other than farm
21 ponds, that are under the jurisdiction of the commission.

22 NEW SUBSECTION. 17A. "*Resident*" means as defined in section
23 483A.1A.

24 Sec. 2. Section 321G.1, subsections 19 and 21, Code 2011,
25 are amended to read as follows:

26 19. ~~"Safety~~ "Education certificate" means a snowmobile
27 ~~safety~~ education certificate, approved by the commission, which
28 is issued to a qualified applicant who is twelve years of age
29 or older.

30 21. "*Special event*" means an organized race, exhibition, or
31 demonstration of limited duration which is conducted on public
32 land, or public ice, or a designated snowmobile trail under
33 the jurisdiction of the commission according to a prearranged
34 schedule and in which general public interest is manifested.

35 Sec. 3. Section 321G.1, Code 2011, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 23. "*Water skipping*" means the operation
3 of a snowmobile on the surface of water by utilizing the skis,
4 track, and bottom surface area of the snowmobile for flotation
5 while the snowmobile is in motion.

6 Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, f,
7 and h, Code 2011, are amended to read as follows:

8 *c.* Use of snowmobiles on designated snowmobile trails and
9 public lands under the jurisdiction of the commission.

10 *e.* Establishment of a program of grants, subgrants,
11 and contracts to be administered by the department for the
12 development, maintenance, signing, and operation of designated
13 snowmobile trails and the operation of grooming equipment by
14 political subdivisions and incorporated private organizations.

15 *f.* Issuance of safety education certificates.

16 *h.* Issuance of annual user permits ~~for nonresidents~~ and
17 establishment of administrative fees for issuance of the
18 permits.

19 Sec. 5. Section 321G.2, subsection 1, Code 2011, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. 1. Maintenance, signing, and operation of
22 designated snowmobile trails.

23 Sec. 6. Section 321G.3, Code 2011, is amended to read as
24 follows:

25 **321G.3 Registration required — penalties.**

26 1. Each snowmobile used on public land ~~or~~, public ice, or a
27 designated snowmobile trail of this state shall be currently
28 registered. A person shall not operate, maintain, or give
29 permission for the operation or maintenance of a snowmobile
30 on public land ~~or~~, public ice, or a designated snowmobile
31 trail unless the snowmobile is registered in accordance with
32 this chapter or applicable federal laws or ~~the snowmobile~~
33 ~~displays a current annual user permit decal issued for the~~
34 ~~snowmobile as provided in section 321G.4A~~ in accordance with an
35 approved numbering system of another state and the evidence of



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1 registration is in full force and effect. A snowmobile must
2 also be issued a user permit in accordance with this chapter.

3 ~~2. A registration certificate and registration decal shall~~
4 ~~be assigned, without payment of fee, to snowmobiles owned~~
5 ~~by the state of Iowa or its political subdivisions. The~~
6 ~~registration decal shall be displayed on the snowmobile as~~
7 ~~required under section 321G.5. A registration certificate~~
8 ~~shall be assigned, without payment of a registration fee, for~~
9 ~~a snowmobile which is exempt from registration but is being~~
10 ~~titled, upon payment of a writing fee as provided in section~~
11 ~~321G.27 and an administrative fee. A registration decal shall~~
12 ~~not be issued and the registration shall not expire while the~~
13 ~~snowmobile is exempt. The application for registration and~~
14 ~~the registration certificate shall indicate the reason for~~
15 ~~exemption from the registration fee.~~

16 ~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as
17 a scheduled violation under section 805.8B, subsection 2,
18 paragraph "a". When the scheduled fine is paid, the violator
19 shall submit proof to the department that a valid registration
20 ~~or~~ and user permit ~~has~~ have been obtained by providing a copy
21 of the registration ~~or~~ and user permit to the department within
22 thirty days of the date the fine is paid. A person who violates
23 this subsection is guilty of a simple misdemeanor.

24 Sec. 7. Section 321G.4, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. The owner of the snowmobile shall file an application for
27 registration with the department through a the county recorder
28 of the county of residence, or in the case of a nonresident
29 owner, in the county of primary use, in the manner established
30 by the commission. The application shall be completed by the
31 owner and shall be accompanied by a fee of fifteen dollars and
32 a writing fee as provided in section 321G.27. A snowmobile
33 shall not be registered by the county recorder until the
34 county recorder is presented with receipts, bills of sale,
35 or other satisfactory evidence that the sales or use tax has

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1 been paid for the purchase of the snowmobile or that the
2 owner is exempt from paying the tax. A snowmobile that has
3 an expired registration certificate from another state may be
4 registered in this state upon proper application, payment of
5 all applicable registration and writing fees, and payment of a
6 penalty of five dollars.

7 Sec. 8. Section 321G.4A, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. A ~~nonresident~~ person wishing to operate a snowmobile,
10 ~~other than a snowmobile registered pursuant to this chapter,~~
11 snowmobile on public land, or public ice, or a designated
12 snowmobile trail of this state shall ~~first~~ obtain a user permit
13 from the department. A user permit shall be issued for the use
14 on only one snowmobile ~~specified at the time of application~~
15 and is not transferable. A user permit shall be valid for the
16 calendar year or time period specified in the permit.

17 Sec. 9. Section 321G.5, Code 2011, is amended to read as
18 follows:

19 **321G.5 Display of registration and user permit decals.**

20 The owner of a snowmobile shall display the registration
21 decal ~~or nonresident~~ and user permit decal on a the snowmobile
22 in the manner prescribed by the rules of the commission.

23 Sec. 10. Section 321G.6, subsection 3, Code 2011, is amended
24 to read as follows:

25 3. Duplicate registrations may be issued ~~upon application~~
26 ~~to the~~ by a county recorder ~~and or a license agent upon the~~
27 payment of a five dollar fee plus a writing fee as provided in
28 section 321G.27.

29 Sec. 11. Section 321G.7, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A county recorder or license agent shall remit to the
32 commission the snowmobile fees collected by the recorder
33 or license agent in the manner and time prescribed by the
34 department.

35 Sec. 12. Section 321G.8, unnumbered paragraph 1, Code 2011,



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1 is amended to read as follows:

2 Registration and user permits shall not be required for the
3 following described snowmobiles:

4 Sec. 13. Section 321G.8, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. Snowmobiles owned ~~and used~~ by the United States, this
7 state, or another state, or by a political governmental
8 subdivision of another state thereof, and used for enforcement,
9 search and rescue, or official research and studies, but not
10 for recreational or commercial purposes.

11 Sec. 14. Section 321G.9, subsection 6, Code 2011, is amended
12 by striking the subsection.

13 Sec. 15. Section 321G.10, Code Supplement 2011, is amended
14 to read as follows:

15 **321G.10 Accident reports.**

16 If a snowmobile is involved in an accident resulting in
17 injury or death to anyone or property damage amounting to one
18 thousand five hundred dollars or more, either the operator
19 or someone acting for the operator shall immediately notify
20 the county sheriff or another law enforcement agency in the
21 state. If the accident occurred on public land, ~~or public~~
22 ice, or a designated snowmobile trail under the jurisdiction
23 of the commission, the operator shall file with the commission
24 a report of the accident, within seventy-two hours, containing
25 information as the commission may require. All other accidents
26 shall be reported as required under section 321.266.

27 Sec. 16. Section 321G.12, Code 2011, is amended to read as
28 follows:

29 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**
30 **brakes.**

31 Every snowmobile shall be equipped with at least one
32 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every
33 snowmobile shall be equipped with brakes.

34 Sec. 17. Section 321G.13, subsection 1, paragraph f, Code
35 2011, is amended to read as follows:

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1 *f.* On any public land, public ice, or ~~snow~~ designated
2 snowmobile trail, in violation of official signs of the
3 commission prohibiting such operation in the interest of
4 safety for persons, property, or the environment. Any officer
5 appointed by the commission may post an official sign in an
6 emergency for the protection of persons, property, or the
7 environment.

8 Sec. 18. Section 321G.13, subsection 1, Code 2011, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. *i.* Upon the surface of any public water in a
11 maneuver known as water skipping. This paragraph "*i*" does not
12 apply to operation on rivers or streams between November 1 and
13 April 1.

14 Sec. 19. Section 321G.13, subsection 3, Code 2011, is
15 amended to read as follows:

16 3. A person shall not drive or operate a snowmobile
17 on public land or a designated snowmobile trail without a
18 measurable snow cover.

19 Sec. 20. Section 321G.17, Code 2011, is amended to read as
20 follows:

21 **321G.17 Violation of stop signal.**

22 A person, ~~after having who has~~ received a visual or audible
23 signal from a peace officer to come to a stop, shall not
24 operate a snowmobile in willful or wanton disregard of the
25 signal, ~~or~~ interfere with or endanger the officer or any other
26 person or vehicle, ~~or~~ increase speed, or attempt to flee or
27 elude the officer.

28 Sec. 21. Section 321G.20, Code 2011, is amended to read as
29 follows:

30 **321G.20 ~~Minors under twelve~~ Operation by minors.**

31 1. An owner or operator of a snowmobile shall not permit
32 a person under twelve years of age to operate and a person
33 less than twelve years of age shall not operate, a snowmobile
34 on a designated snowmobile trail, public land, or public ice
35 except when accompanied on the same snowmobile by a responsible



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1 person of at least eighteen years of age who is experienced
2 in snowmobile operation and who possesses a valid driver's
3 license, as defined in section 321.1, or ~~a safety~~ an education
4 certificate issued under this chapter.

5 2. While operating a snowmobile on a designated snowmobile
6 trail, public land, or public ice, a person twelve through
7 fifteen years of age and possessing a valid education
8 certificate must be under the direct supervision of a parent,
9 guardian, or another adult authorized by the parent or
10 guardian, who is experienced in snowmobile operation and
11 possesses a valid driver's license, as defined in section
12 321.1, or an education certificate issued under this chapter.

13 3. A person under eighteen years of age but over the age of
14 fifteen shall not operate a snowmobile on or across a public
15 highway unless the person has in the person's possession an
16 education certificate issued to the person pursuant to this
17 chapter.

18 Sec. 22. Section 321G.21, subsections 1 through 5, Code
19 2011, are amended to read as follows:

20 1. A manufacturer, distributor, or dealer owning a
21 snowmobile required to be registered under this chapter
22 may operate the snowmobile for purposes of transporting,
23 testing, demonstrating, or selling it without the snowmobile
24 being registered, except that a ~~special identification~~
25 ~~number~~ registration decal issued to the owner as provided
26 in this chapter shall be displayed on the snowmobile in the
27 manner prescribed by rules of the commission. The special
28 ~~identification number~~ registration decal shall not be used
29 on a snowmobile offered for hire or for any work or service
30 performed by a manufacturer, distributor, or dealer.

31 2. Every manufacturer, distributor, or dealer shall
32 register with the department by making application to the
33 commission, upon forms prescribed by the commission, for
34 a special registration certificate ~~containing a general~~
35 ~~identification number and for one or more duplicate special~~

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1 ~~registration certificates and decal.~~ The applicant shall pay
2 a registration fee of ~~fifteen~~ forty-five dollars and submit
3 reasonable proof of the applicant's status as a bona fide
4 manufacturer, distributor, or dealer as may be required by the
5 commission.

6 3. The commission, upon granting an application, shall
7 issue to the applicant a special registration certificate
8 ~~containing and decal.~~ The special registration certificate
9 shall contain the applicant's name, and address, the and
10 general identification number; assigned to the applicant, the
11 word "manufacturer", "dealer", or "distributor"; and other
12 information the commission prescribes. The manufacturer,
13 distributor, or dealer shall have the assigned number printed
14 upon or attached to a removable sign or signs which may be
15 temporarily but firmly mounted or attached to the snowmobile
16 being used. The display shall meet the requirements of this
17 chapter and the rules of the commission.

18 4. The commission shall also issue duplicate special
19 registration certificates and decals which shall have displayed
20 thereon the general identification number assigned to the
21 applicant. ~~Each duplicate registration certificate so issued~~
22 ~~shall contain a number or symbol identifying it from every~~
23 ~~other duplicate special registration certificate bearing the~~
24 ~~same general identification number. A county recorder may~~
25 issue duplicate special registration certificates and decals
26 electronically pursuant to rules adopted by the commission.
27 The fee for each additional duplicate special registration
28 certificate and decal shall be ~~two~~ five dollars, plus a writing
29 fee.

30 5. Each special registration certificate issued hereunder
31 under this section shall be for a period of three years and
32 shall expire on December 31 of each the renewal year, and
33 a. A new special registration certificate for the ensuing
34 twelve months three-year renewal period may be obtained upon
35 application to the commission and payment of the fee provided



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1 by law. A county recorder may issue special registration
2 certificate renewals electronically pursuant to rules adopted
3 by the commission.

4 Sec. 23. Section 321G.23, Code 2011, is amended to read as
5 follows:

6 **321G.23 Course of instruction.**

7 1. The commission shall provide, by rules adopted pursuant
8 to section 321G.2, for the establishment of certified courses
9 of instruction to be conducted throughout the state for the
10 safe use and operation of snowmobiles. The curriculum shall
11 include instruction in the lawful and safe use, operation, and
12 equipping of snowmobiles consistent with this chapter and rules
13 adopted by the commission and the director of transportation
14 and other matters the commission deems pertinent for a
15 qualified snowmobile operator. The commission may establish
16 a fee for the course which shall not exceed the actual cost of
17 instruction minus moneys received by the department from ~~safety~~
18 education certificate fees under section 321G.24.

19 2. The commission may certify any experienced, qualified
20 operator to be an instructor of a class established under
21 subsection 1. Each instructor shall be at least eighteen years
22 of age.

23 3. Upon completion of the course of instruction, the
24 commission shall provide for the administration of a written
25 test to any student who wishes to qualify for ~~a safety~~ an
26 education certificate.

27 4. The commission shall provide ~~safety~~ education material
28 relating to the operation of snowmobiles for the use of
29 nonpublic or public elementary and secondary schools in this
30 state.

31 5. The department may develop requirements and standards
32 for online education offerings. Only vendors who have entered
33 into a memorandum of understanding with the department
34 shall be permitted to offer an online course that results
35 in the issuance of an education certificate approved by the



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1 commission. Vendors may charge for their courses and collect
2 the education certificate fee required under section 321G.24,
3 subsection 2, on behalf of the department as agreed to in the
4 memorandum of understanding.

5 Sec. 24. Section 321G.24, Code 2011, is amended to read as
6 follows:

7 **321G.24 Safety Education certificate — fee.**

8 1. A person under eighteen years of age shall not
9 operate a snowmobile on public land, or public ice, a
10 designated snowmobile trail, or land purchased with snowmobile
11 registration funds in this state without obtaining a valid
12 safety education certificate issued approved by the department
13 and having the certificate in the person's possession,
14 unless the person is accompanied on the same snowmobile by
15 a responsible person of at least eighteen years of age who
16 is experienced in snowmobile operation and possesses a valid
17 driver's license, as defined in section 321.1, or a safety an
18 education certificate issued under this chapter.

19 2. Upon ~~application~~ successful completion of the course
20 and payment of a fee of five dollars, a qualified applicant
21 shall be issued ~~a safety an~~ an education certificate which is
22 valid until the certificate is suspended or revoked by the
23 director for a violation of a provision of this chapter or a
24 rule adopted pursuant to this chapter. ~~The application shall~~
25 ~~be made on forms issued by the commission and shall contain~~
26 ~~information as the commission may reasonably require.~~

27 3. Any person who is required to have ~~a safety an~~ an education
28 certificate under this chapter and who has completed a course
29 of instruction established under section 321G.2, subsection
30 1, paragraph "j", including the successful passage of an
31 examination which includes a written test relating to such
32 course of instruction, shall be considered qualified to receive
33 ~~a safety an~~ an education certificate.

34 4. The ~~permit~~ certificate fees collected under this section
35 shall be credited to the special snowmobile fund created under

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1 section 321G.7 and shall be used for safety and educational
2 programs.

3 5. A valid snowmobile safety or education certificate or
4 license issued ~~to a nonresident~~ by a governmental authority
5 of another state shall be considered a valid certificate or
6 license in this state if the permit certification or license
7 licensing requirements of the governmental authority, ~~excluding~~
8 ~~fees~~, are substantially the same as the requirements of this
9 chapter as determined by the commission.

10 Sec. 25. Section 321G.25, Code 2011, is amended to read as
11 follows:

12 **321G.25 Stopping and inspecting — warnings.**

13 A peace officer may stop and inspect a snowmobile operated,
14 parked, or stored on public streets, highways, public lands,
15 ~~or frozen waters~~ public ice, or designated snowmobile trails
16 of the state to determine if the snowmobile is registered,
17 numbered, or equipped as required by this chapter and
18 commission rules. The officer shall not inspect an area that
19 is not essential to determine compliance with the requirements.
20 If the officer determines that the snowmobile is not in
21 compliance, the officer may issue a warning memorandum to the
22 operator and forward a copy to the commission. The warning
23 memorandum shall indicate the items found not in compliance and
24 shall direct the owner or operator of the snowmobile to have
25 the snowmobile in compliance and return a copy of the warning
26 memorandum with the proof of compliance to the commission
27 within fourteen days. If the proof of compliance is not
28 provided within fourteen days, the owner or operator is in
29 violation of this chapter.

30 Sec. 26. Section 321G.26, Code 2011, is amended to read as
31 follows:

32 **321G.26 Termination of use.**

33 A person who receives a warning memorandum for a snowmobile
34 shall stop using the snowmobile as soon as possible and shall
35 not operate it on public streets, highways, public lands, ~~or~~

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1 ~~frozen waters~~ public ice, or designated snowmobile trails of
2 the state until the snowmobile is in compliance.

3 Sec. 27. Section 321G.27, subsection 1, Code 2011, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *0c.* The county recorder shall collect
6 a writing fee of one dollar and twenty-five cents for each
7 duplicate special registration certificate issued by the county
8 recorder's office.

9 Sec. 28. Section 321G.29, subsection 8, Code Supplement
10 2011, is amended to read as follows:

11 8. Once titled, a person shall not sell or transfer
12 ownership of a snowmobile without delivering to the purchaser
13 or transferee a certificate of title with an assignment on it
14 showing title in the ~~purchaser or transferee~~ purchaser's or
15 transferee's name. A person shall not purchase or otherwise
16 acquire a snowmobile without obtaining a certificate of title
17 for it in that person's name.

18 Sec. 29. Section 321G.31, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. If ownership of a snowmobile is transferred by
21 operation of law, such as by inheritance, order in bankruptcy,
22 insolvency, replevin, or execution sale, the transferee, within
23 thirty days after acquiring the right to possession of the
24 snowmobile, shall mail or deliver to the county recorder of
25 the transferee's county of residence satisfactory proof of
26 ownership as the county recorder requires, together with an
27 application for a new certificate of title, and the required
28 fee.

29 Sec. 30. Section 321G.33, subsections 1 and 3, Code 2011,
30 are amended to read as follows:

31 1. The department may assign a distinguishing number to
32 a snowmobile when the serial number on the snowmobile is
33 destroyed or obliterated and issue to the owner a special
34 plate decal bearing the distinguishing number which shall be
35 affixed to the snowmobile in a position to be determined by

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1 the department. The snowmobile shall be registered and titled
2 under the distinguishing number in lieu of the former serial
3 number. Every snowmobile shall have a vehicle identification
4 number assigned and affixed as required by the department.

5 3. A person shall not destroy, remove, alter, cover, or
6 deface the manufacturer's vehicle identification number, the
7 plate or decal bearing it, or any vehicle identification number
8 the department assigns to a snowmobile without the department's
9 permission.

10 Sec. 31. Section 321I.1, subsection 1, paragraph b, Code
11 2011, is amended to read as follows:

12 b. Off-road motorcycles shall be considered all-terrain
13 vehicles for the purpose of registration. Off-road motorcycles
14 shall also be considered all-terrain vehicles for the purpose
15 of titling if a title has not previously been issued pursuant
16 to chapter 321. An operator of an off-road motorcycle is
17 subject to provisions governing the operation of all-terrain
18 vehicles in this chapter, but is exempt from the ~~safety~~
19 education instruction and certification program requirements of
20 sections 321I.25 and 321I.26.

21 Sec. 32. Section 321I.1, subsections 6, 7, and 16, Code
22 2011, are amended to read as follows:

23 6. "*Designated riding area*" means an all-terrain vehicle
24 riding area on any public land or public ice under the
25 jurisdiction of the department that has been designated by the
26 department for all-terrain vehicle use.

27 7. "*Designated riding trail*" means an all-terrain vehicle
28 riding trail on any public land, private land, or public
29 ~~ice under the jurisdiction of the department~~ that has been
30 designated by the department, a political subdivision, or a
31 controlling authority for all-terrain vehicle use.

32 16. a. "*Off-road utility vehicle*" means a motorized
33 flotation-tire or rubber-tracked vehicle with not less than
34 four and not more than eight low-pressure tires or rubberized
35 tracks that is limited in engine displacement to less than one

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1 thousand five hundred cubic centimeters and in total dry weight
2 to not more than one thousand eight hundred pounds and that
3 has a seat that is of bucket or bench design, not intended to
4 be straddled by the operator, and a steering wheel or control
5 levers for control.

6 ~~b. An owner of an off-road utility vehicle may register~~
7 ~~or title an off-road utility vehicle in order to legally~~
8 ~~operate the off-road vehicle on public ice, a designated~~
9 ~~riding area, or a designated riding trail.~~ The operator of an
10 off-road utility vehicle is subject to provisions governing
11 the operation of all-terrain vehicles in section 321.234A, and
12 this chapter, and administrative rules, but is exempt from
13 the safety education instruction and certification program
14 requirements of sections 321I.25 and 321I.26. An operator of
15 an off-road utility vehicle shall not operate the vehicle on a
16 designated riding area or designated riding trail unless the
17 department has posted signage indicating the riding area or
18 trail is open to the operation of off-road utility vehicles.
19 Off-road utility vehicles are ~~exempt from~~ subject to the dealer
20 registration and titling requirements of this chapter. A
21 motorized vehicle that was previously titled or is currently
22 titled under chapter 321 shall not be registered or operated
23 as an off-road utility vehicle.

24 Sec. 33. Section 321I.1, Code 2011, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 20A. "Public ice" means any frozen,
27 navigable waters within the territorial limits of this state
28 and the frozen marginal river areas adjacent to this state,
29 other than farm ponds, that are under the jurisdiction of the
30 commission.

31 Sec. 34. Section 321I.1, subsections 23, 25, and 27, Code
32 2011, are amended to read as follows:

33 23. "Resident" means ~~a person who meets the requirements~~
34 ~~for residency described in section 321.1A~~ as defined in section
35 483A.1A.

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1 25. *"~~Safety Education~~ certificate"* means an all-terrain
2 vehicle ~~safety education~~ certificate, approved by the
3 commission, which is issued to a qualified applicant who is
4 twelve years of age or older.

5 27. *"~~Special event~~"* means an organized race, exhibition,
6 or demonstration of limited duration which is conducted on
7 public land, ~~or public ice~~, or a designated riding trail under
8 the jurisdiction of the commission according to a prearranged
9 schedule and in which general public interest is manifested.

10 Sec. 35. Section 321I.2, subsection 1, paragraph f, Code
11 2011, is amended to read as follows:

12 ~~f.~~ Issuance of ~~safety education~~ certificates.

13 Sec. 36. Section 321I.3, Code 2011, is amended to read as
14 follows:

15 **321I.3 Registration required — penalties.**

16 1. Each all-terrain vehicle used on public land, ~~or public~~
17 ~~ice~~, or a designated riding trail of this state shall be
18 currently registered. A person shall not operate, maintain,
19 or give permission for the operation or maintenance of an
20 all-terrain vehicle on public land, ~~or public ice~~, or a
21 designated riding trail unless the all-terrain vehicle is
22 registered in accordance with this chapter or applicable
23 federal laws or ~~the all-terrain vehicle displays a current~~
24 ~~annual user permit decal issued for the all-terrain vehicle~~
25 ~~as provided in section 321I.5~~ in accordance with an approved
26 numbering system of another state and the evidence of
27 registration is in full force and effect. An all-terrain
28 vehicle registered in another state must also be issued a user
29 permit in this state in accordance with this chapter.

30 ~~2. A registration certificate and registration decal~~
31 ~~shall be assigned, without payment of fee, to all-terrain~~
32 ~~vehicles owned by the state of Iowa or its political~~
33 ~~subdivisions. The registration decal shall be displayed on~~
34 ~~the all-terrain vehicle as required under section 321I.6. A~~
35 ~~registration certificate shall be assigned, without payment~~

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~~1 of a registration fee, for an all-terrain vehicle which is
2 exempt from registration but is being titled, upon payment
3 of a writing fee as provided in section 321I.29 and an
4 administrative fee. A registration decal shall not be issued
5 and the registration shall not expire while the all-terrain
6 vehicle is exempt. The application for registration and
7 the registration certificate shall indicate the reason for
8 exemption from the registration fee.~~

9 3- 2. A violation of subsection 1 or 2 is punishable as
10 a scheduled violation under section 805.8B, subsection 2A,
11 paragraph "a". When the scheduled fine is paid, the violator
12 shall submit proof to the department that a valid registration
13 or user permit has been obtained by providing a copy of the
14 registration or user permit to the department within thirty
15 days of the date the fine is paid. A person who violates this
16 subsection is guilty of a simple misdemeanor.

17 Sec. 37. Section 321I.4, subsection 2, Code 2011, is amended
18 to read as follows:

19 2. The owner of the all-terrain vehicle shall file an
20 application for registration with the department through a the
21 county recorder of the county of residence, or in the case
22 of a nonresident owner, in the county of primary use, in the
23 manner established by the commission. The application shall
24 be completed by the owner and shall be accompanied by a fee
25 of fifteen dollars and a writing fee as provided in section
26 321I.29. An all-terrain vehicle shall not be registered by the
27 county recorder until the county recorder is presented with
28 receipts, bills of sale, or other satisfactory evidence that
29 the sales or use tax has been paid for the purchase of the
30 all-terrain vehicle or that the owner is exempt from paying the
31 tax. An all-terrain vehicle that has an expired registration
32 certificate from another state may be registered in this state
33 upon proper application, payment of all applicable registration
34 and writing fees, and payment of a penalty of five dollars.

35 Sec. 38. Section 321I.5, subsection 1, Code 2011, is amended

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1 to read as follows:

2 1. A nonresident wishing to operate an all-terrain vehicle,
3 other than an all-terrain vehicle ~~owned by a resident and~~
4 registered pursuant to this chapter, on public land, or public
5 ice, or a designated riding trail of this state shall ~~first~~
6 obtain a user permit from the department. A user permit shall
7 be issued for the use on only one all-terrain vehicle ~~specified~~
8 ~~at the time of application~~ and is not transferable. A user
9 permit shall be valid for the calendar year or time period
10 specified in the permit.

11 Sec. 39. Section 321I.7, subsections 3 and 4, Code 2011, are
12 amended to read as follows:

13 3. Duplicate registrations may be issued ~~upon application~~
14 ~~to the~~ by a county recorder or a license agent and the payment
15 of a five dollar fee plus a writing fee as provided in section
16 321I.29.

17 4. A motorcycle, as defined in section 321.1, subsection
18 40, paragraph "a", may be registered as an all-terrain vehicle
19 as provided in this section. A motorcycle registered as an
20 all-terrain vehicle may participate in all programs established
21 for all-terrain vehicles under this chapter except for the
22 safety education instruction and certification program.

23 Sec. 40. Section 321I.8, Code 2011, is amended to read as
24 follows:

25 **321I.8 Fees remitted to commission — appropriation.**

26 1. A county recorder or license agent shall remit to the
27 commission the all-terrain vehicle fees collected by the
28 recorder or license agent in the manner and time prescribed by
29 the department.

30 2. The department shall remit the fees, including user
31 fees collected pursuant to section 321I.5, to the treasurer
32 of state, who shall place the money in a special all-terrain
33 vehicle fund. The money is appropriated to the department for
34 the all-terrain vehicle programs of the state. The programs
35 shall include grants, subgrants, contracts, or cost-sharing

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1 of all-terrain vehicle programs with political subdivisions
2 or incorporated private organizations or both in accordance
3 with rules adopted by the commission. All-terrain vehicle fees
4 may be used for the establishment, maintenance, and operation
5 of all-terrain vehicle recreational riding areas through the
6 awarding of grants administered by the department. All-terrain
7 vehicle recreational riding areas established, maintained, or
8 operated by the use of such grants shall not be operated for
9 profit. All programs using cost-sharing, grants, subgrants, or
10 contracts shall establish and implement a ~~safety~~ an education
11 instruction program either singly or in cooperation with other
12 all-terrain vehicle programs. All-terrain vehicle fees may
13 be used to support all-terrain vehicle programs on a usage
14 basis. At least fifty percent of the special fund shall be
15 available for political subdivisions or incorporated private
16 organizations or both. Moneys from the special fund not
17 used by the political subdivisions or incorporated private
18 organizations or both shall remain in the fund and may be used
19 by the department for the administration of the all-terrain
20 vehicle programs. Notwithstanding section 8.33, moneys in the
21 special fund shall not revert to the general fund of the state
22 at the end of a fiscal year. Notwithstanding section 12C.7,
23 subsection 2, interest or earnings on moneys in the special
24 fund shall remain in the fund.

25 Sec. 41. Section 321I.9, subsection 1, Code 2011, is amended
26 to read as follows:

27 1. All-terrain vehicles owned ~~and used~~ by the United States,
28 this state, or another state, or by a political governmental
29 subdivision of another state thereof, and used for enforcement,
30 search and rescue, or official research and studies, but not
31 for recreational or commercial purposes.

32 Sec. 42. Section 321I.11, Code Supplement 2011, is amended
33 to read as follows:

34 **321I.11 Accident reports.**

35 If an all-terrain vehicle is involved in an accident

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1 resulting in injury or death to anyone or property damage
2 amounting to one thousand five hundred dollars or more,
3 either the operator or someone acting for the operator
4 shall immediately notify the county sheriff or another law
5 enforcement agency in the state. If the accident occurred
6 on public land, ~~or public ice~~, or a designated riding trail
7 under the jurisdiction of the commission, the operator shall
8 file with the commission a report of the accident, within
9 seventy-two hours, containing information as the commission may
10 require. All other accidents shall be reported as required
11 under section 321.266.

12 Sec. 43. Section 321I.13, Code 2011, is amended to read as
13 follows:

14 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**
15 **brakes.**

16 Every all-terrain vehicle operated during the hours of
17 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~
18 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped
19 with brakes.

20 Sec. 44. Section 321I.14, subsection 1, paragraph f, Code
21 2011, is amended to read as follows:

22 *f.* On any public land, public ice, or ~~snow~~ designated
23 riding trail, in violation of official signs of the commission
24 prohibiting such operation in the interest of safety for
25 persons, property, or the environment. Any officer appointed
26 by the commission may post an official sign in an emergency for
27 the protection of persons, property, or the environment.

28 Sec. 45. Section 321I.17, Code 2011, is amended to read as
29 follows:

30 **321I.17 Special events.**

31 The department may authorize the holding of organized
32 special events as defined in this chapter within this state.
33 The department shall adopt rules relating to the conduct of
34 special events held under department permits and designating
35 the equipment and facilities necessary for the safe operation



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1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road
2 utility vehicles and for the safety of operators, participants,
3 and observers in the special events. A special event ~~for~~
4 ~~all-terrain vehicles~~ may ~~include motorcycles upon payment~~
5 ~~of~~ require an entrance fee set by the organizer of the
6 special event. The department may require that part of the
7 ~~motorcycle~~ entrance fee be credited to pay costs of all-terrain
8 vehicle programs authorized pursuant to section 321I.8. At
9 least thirty days before the scheduled date of a special
10 event in this state, an application shall be filed with the
11 department for authorization to conduct the special event. The
12 application shall set forth the date, time, and location of the
13 proposed special event and any other information the department
14 requires. The special event shall not be conducted without
15 written authorization of the department. ~~Copies of the rules~~
16 ~~shall be furnished by the department to any person making an~~
17 ~~application.~~

18 Sec. 46. Section 321I.18, Code 2011, is amended to read as
19 follows:

20 **321I.18 Violation of stop signal.**

21 A person, ~~after having~~ who has received a visual or audible
22 signal from a peace officer to come to a stop, shall not
23 operate an all-terrain vehicle in willful or wanton disregard
24 of the signal, ~~or~~ interfere with or endanger the officer or any
25 other person or vehicle, ~~or~~ increase speed, or attempt to flee
26 or elude the officer.

27 Sec. 47. Section 321I.21, unnumbered paragraph 1, Code
28 2011, is amended to read as follows:

29 A person under twelve years of age shall not operate an
30 all-terrain vehicle, including an off-road motorcycle, on a
31 designated riding area or designated riding trail or on public
32 land or public ice unless one of the following applies:

33 Sec. 48. Section 321I.21, subsection 1, Code 2011, is
34 amended to read as follows:

35 1. The person is taking a prescribed ~~safety~~ education

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1 training course and the operation is under the direct
2 supervision of a certified all-terrain vehicle ~~safety~~ education
3 instructor.

4 Sec. 49. Section 321I.22, subsections 1 through 5, Code
5 2011, are amended to read as follows:

6 1. A manufacturer, distributor, or dealer owning an
7 all-terrain vehicle required to be registered under this
8 chapter may operate the all-terrain vehicle for purposes of
9 transporting, testing, demonstrating, or selling it without the
10 all-terrain vehicle being registered, except that a special
11 ~~identification number~~ registration decal issued to the owner as
12 provided in this chapter shall be displayed on the all-terrain
13 vehicle in the manner prescribed by rules of the commission.
14 The special ~~identification number~~ registration decal shall not
15 be used on an all-terrain vehicle offered for hire or for any
16 work or service performed by a manufacturer, distributor, or
17 dealer.

18 2. Every manufacturer, distributor, or dealer shall
19 register with the department by making application to the
20 commission, upon forms prescribed by the commission, for
21 a special registration certificate ~~containing a general~~
22 ~~identification number and for one or more duplicate special~~
23 ~~registration certificates and decal~~. The applicant shall pay
24 a registration fee of ~~fifteen~~ forty-five dollars and submit
25 reasonable proof of the applicant's status as a bona fide
26 manufacturer, distributor, or dealer as may be required by the
27 commission.

28 3. The commission, upon granting an application, shall
29 issue to the applicant a special registration certificate
30 ~~containing and decal~~. The special registration certificate
31 shall contain the applicant's name, and address, the and
32 general identification number; assigned to the applicant, the
33 word "manufacturer", "dealer", or "distributor"; and other
34 information the commission prescribes. The manufacturer,
35 distributor, or dealer shall have the assigned number printed

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1 ~~upon or attached to a removable sign or signs which may be~~
2 ~~temporarily but firmly mounted or attached to the all-terrain~~
3 ~~vehicle being used. The display shall meet the requirements of~~
4 ~~this chapter and the rules of the commission.~~

5 4. The commission shall also issue duplicate special
6 registration certificates and decals which shall have displayed
7 thereon the general identification number assigned to the
8 applicant. ~~Each duplicate registration certificate so issued~~
9 ~~shall contain a number or symbol identifying it from every~~
10 ~~other duplicate special registration certificate bearing the~~
11 ~~same general identification number. A county recorder may~~
12 issue duplicate special registration certificates and decals
13 electronically pursuant to rules adopted by the commission.
14 The fee for each additional duplicate special registration
15 certificate and decal shall be ~~two~~ five dollars plus a writing
16 fee.

17 5. Each special registration certificate issued ~~hereunder~~
18 under this section shall be for a period of three years and
19 shall expire on December 31 of each the renewal year, and
20 a. A new special registration certificate for the ensuing
21 ~~twelve months~~ three-year renewal period may be obtained upon
22 application to the commission and payment of the fee provided
23 by law. A county recorder may issue special registration
24 certificate renewals electronically pursuant to rules adopted
25 by the commission.

26 Sec. 50. Section 321I.25, Code 2011, is amended to read as
27 follows:

28 **321I.25 Course of instruction.**

29 1. The commission shall provide, by rules adopted pursuant
30 to section 321I.2, for the establishment of certified courses
31 of instruction to be conducted throughout the state for the
32 safe use and operation of all-terrain vehicles. The curriculum
33 shall include instruction in the lawful and safe use,
34 operation, and equipping of all-terrain vehicles consistent
35 with this chapter and rules adopted by the commission ~~and the~~

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1 ~~director of transportation and other matters the commission~~
2 ~~deems pertinent for a qualified all-terrain vehicle operator.~~
3 The commission may establish a fee for the course which shall
4 not exceed the actual cost of instruction minus moneys received
5 by the department from ~~safety~~ education certificate fees under
6 section 321I.26.

7 2. The commission may certify any experienced, qualified
8 operator to be an instructor of a class established under
9 subsection 1. Each instructor shall be at least eighteen years
10 of age.

11 3. Upon completion of the course of instruction, the
12 commission shall provide for the administration of either a
13 written test or the demonstration of adequate riding skills to
14 any student who wishes to qualify for a ~~safety~~ an education
15 certificate.

16 4. The commission shall provide ~~safety~~ education material
17 relating to the operation of all-terrain vehicles for the use
18 of nonpublic or public elementary and secondary schools in this
19 state.

20 5. The department may develop requirements and standards
21 for online education offerings. Only vendors who have entered
22 into a memorandum of understanding with the department
23 shall be permitted to offer an online course that results
24 in the issuance of an education certificate approved by the
25 commission. Vendors may charge for their courses and collect
26 the education certificate fee required under section 321I.26,
27 subsection 2, on behalf of the department as agreed to in the
28 memorandum of understanding.

29 Sec. 51. Section 321I.26, Code 2011, is amended to read as
30 follows:

31 **321I.26 Safety Education certificate — fee.**

32 1. A person twelve years of age or older but less than
33 eighteen years of age shall not operate an all-terrain vehicle
34 on public land, ~~or public ice,~~ a designated riding trail, or
35 land purchased with all-terrain vehicle registration funds

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1 in this state without obtaining a valid safety education
2 certificate ~~issued~~ approved by the department and having the
3 certificate in the person's possession.

4 2. Upon ~~application~~ successful completion of the course
5 and payment of a fee of five dollars, a qualified applicant
6 shall be issued ~~a safety~~ an education certificate which is
7 valid until the certificate is suspended or revoked by the
8 director for a violation of a provision of this chapter or a
9 rule adopted pursuant to this chapter. ~~The application shall~~
10 ~~be made on forms issued by the commission and shall contain~~
11 ~~information as the commission may reasonably require.~~

12 3. Any person who is required to have ~~a safety~~ an education
13 certificate under this chapter and who has completed a course
14 of instruction established under section 321I.2, subsection
15 1, paragraph "i", including the successful passage of an
16 examination which includes either a written test relating to
17 such course of instruction or the demonstration of adequate
18 riding skills, shall be considered qualified to receive a
19 safety an education certificate.

20 4. The ~~permit~~ certificate fees collected under this section
21 shall be credited to the special all-terrain vehicle fund and
22 shall be used for ~~safety and~~ educational programs.

23 5. A valid all-terrain vehicle safety or education
24 certificate or license issued ~~to a nonresident~~ by a
25 governmental authority of another state shall be considered
26 a valid certificate or license in this state if the ~~permit~~
27 certification or license licensing requirements of the
28 governmental authority, ~~excluding fees~~, are substantially the
29 same as the requirements of this chapter as determined by the
30 commission.

31 Sec. 52. Section 321I.27, Code 2011, is amended to read as
32 follows:

33 **321I.27 Stopping and inspecting — warnings.**

34 A peace officer may stop and inspect an all-terrain vehicle
35 operated, parked, or stored on public streets, highways,

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1 public lands, ~~or frozen waters~~ public ice, or designated
2 riding trails of the state to determine if the all-terrain
3 vehicle is registered, numbered, or equipped as required by
4 this chapter and commission rules. The officer shall not
5 inspect an area that is not essential to determine compliance
6 with the requirements. If the officer determines that the
7 all-terrain vehicle is not in compliance, the officer may issue
8 a warning memorandum to the operator and forward a copy to the
9 commission. The warning memorandum shall indicate the items
10 found not in compliance and shall direct the owner or operator
11 of the all-terrain vehicle to have the all-terrain vehicle in
12 compliance and return a copy of the warning memorandum with the
13 proof of compliance to the commission within fourteen days. If
14 the proof of compliance is not provided within fourteen days,
15 the owner or operator is in violation of this chapter.

16 Sec. 53. Section 321I.28, Code 2011, is amended to read as
17 follows:

18 **321I.28 Termination of use.**

19 A person who receives a warning memorandum for an
20 all-terrain vehicle shall stop using the all-terrain vehicle as
21 soon as possible and shall not operate it on public streets,
22 highways, public lands, ~~or frozen waters~~ public ice, or
23 designated riding trails of the state until the all-terrain
24 vehicle is in compliance.

25 Sec. 54. Section 321I.29, subsection 1, Code 2011, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. *0c.* The county recorder shall collect
28 a writing fee of one dollar and twenty-five cents for each
29 duplicate special registration certificate issued by the county
30 recorder's office.

31 Sec. 55. Section 321I.31, subsection 8, Code 2011, is
32 amended to read as follows:

33 8. Once titled, a person shall not sell or transfer
34 ownership of an all-terrain vehicle without delivering to
35 the purchaser or transferee a certificate of title with an

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1 assignment on it showing title in the ~~purchaser or transferee~~
2 purchaser's or transferee's name. A person shall not purchase
3 or otherwise acquire an all-terrain vehicle without obtaining a
4 certificate of title for it in that person's name.

5 Sec. 56. Section 321I.33, subsection 1, Code 2011, is
6 amended to read as follows:

7 1. If ownership of an all-terrain vehicle is transferred by
8 operation of law, such as by inheritance, order in bankruptcy,
9 insolvency, replevin, or execution sale, the transferee,
10 within thirty days after acquiring the right to possession of
11 the all-terrain vehicle, shall mail or deliver to the county
12 recorder of the transferee's county of residence satisfactory
13 proof of ownership as the county recorder requires, together
14 with an application for a new certificate of title, and the
15 required fee.

16 Sec. 57. Section 321I.35, subsections 1 and 3, Code 2011,
17 are amended to read as follows:

18 1. The department may assign a distinguishing number to an
19 all-terrain vehicle when the serial number on the all-terrain
20 vehicle is destroyed or obliterated and issue to the owner a
21 special ~~plate~~ decal bearing the distinguishing number which
22 shall be affixed to the all-terrain vehicle in a position to be
23 determined by the department. The all-terrain vehicle shall be
24 registered and titled under the distinguishing number in lieu
25 of the former serial number. Every all-terrain vehicle shall
26 have a vehicle identification number assigned and affixed as
27 required by the department.

28 3. A person shall not destroy, remove, alter, cover, or
29 deface the manufacturer's vehicle identification number, the
30 plate or decal bearing it, or any vehicle identification number
31 the department assigns to an all-terrain vehicle without the
32 department's permission.

33 Sec. 58. Section 461C.2, subsection 5, Code 2011, is amended
34 to read as follows:

35 5. "*Recreational purpose*" means the following or any

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1 combination thereof: Hunting, trapping, horseback riding,
2 fishing, swimming, boating, camping, picnicking, hiking,
3 pleasure driving, motorcycling, all-terrain vehicle riding,
4 nature study, water skiing, snowmobiling, other summer
5 and winter sports, and viewing or enjoying historical,
6 archaeological, scenic, or scientific sites while going to and
7 from or actually engaged therein.

8 Sec. 59. Section 462A.2, Code Supplement 2011, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 43A. "*Watercraft education certificate*"
11 means a certificate, approved by the commission, which is
12 issued to a qualified applicant who is twelve years of age or
13 older who has successfully completed a watercraft education
14 course approved by the department.

15 Sec. 60. Section 462A.12, subsection 6, Code 2011, is
16 amended to read as follows:

17 6. An owner or operator of a vessel propelled by a motor
18 of more than ten horsepower shall not permit any person under
19 twelve years of age to operate the vessel unless accompanied
20 in or on the same vessel by a responsible person of at
21 least eighteen years of age who is experienced in motorboat
22 operation. A person who is twelve years of age or older
23 but less than eighteen years of age shall not operate any
24 vessel propelled by a motor of more than ten horsepower unless
25 the person has successfully completed a department-approved
26 watercraft ~~safety~~ education course and obtained a watercraft
27 ~~safety~~ education certificate or is accompanied in or on the
28 same vessel by a responsible person of at least eighteen years
29 of age who is experienced in motorboat operation. A person
30 required to have a watercraft ~~safety~~ education certificate
31 shall carry and shall exhibit or make available the certificate
32 upon request of an officer of the department. A violation
33 of this subsection is a simple misdemeanor as provided in
34 section 462A.13. However, a person charged with violating
35 this subsection shall not be convicted if the person produces

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1 in court, within a reasonable time, a ~~department-approved~~
2 watercraft education certificate. The cost of a ~~department~~
3 watercraft education certificate, or any duplicate, shall not
4 exceed five dollars.

5 Sec. 61. NEW SECTION. 462A.12A Online watercraft education
6 courses.

7 1. The department shall develop requirements and standards
8 for online watercraft education courses. Only vendors who have
9 entered into a memorandum of understanding with the department
10 shall be approved by the department to offer an online
11 watercraft education course that upon successful completion is
12 sufficient to result in the issuance of a watercraft education
13 certificate to the person who completes the course.

14 2. A vendor approved to offer an online watercraft education
15 course as provided in subsection 1 may charge a fee for the
16 course as agreed to in the memorandum of understanding with
17 the department and may also collect the watercraft education
18 certificate fee on behalf of the department as agreed to in the
19 memorandum of understanding.

20 Sec. 62. Section 462A.36, Code 2011, is amended to read as
21 follows:

22 462A.36 Fee for special certificate — minimum requirements
23 for issuance.

24 1. Any manufacturer or dealer may, upon payment of a fee of
25 fifteen dollars, make application to the commission, upon such
26 forms as the commission prescribes, for a special certificate
27 containing a general distinguishing number and for one or more
28 duplicate special certificates. The applicant shall submit
29 such reasonable proof of the applicant's status as a bona fide
30 manufacturer or dealer as the commission may require.

31 2. The commission may adopt rules consistent with this
32 chapter establishing minimum requirements for a dealer or
33 manufacturer to be issued a special certificate. In adopting
34 such rules the department shall consider the need to protect
35 persons, property, and the environment, and to promote uniform

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1 practices relating to the sale and use of vessels. The
2 commission may also adopt rules providing for the suspension or
3 revocation of a dealer's or manufacturer's special certificate
4 issued pursuant to this section.

5 Sec. 63. Section 462A.46, Code 2011, is amended to read as
6 follows:

7 **462A.46 Purchase of registered vessel by dealer.**

8 Whenever a dealer purchases or otherwise acquires a
9 vessel registered in this state, the dealer shall issue a
10 signed receipt to the previous owner, indicating the date of
11 purchase or acquisition, the name and address of such previous
12 owner, and the registration number of the vessel purchased
13 or acquired. ~~The original receipt shall be delivered to the~~
14 ~~previous owner and one copy shall be mailed or delivered by~~
15 ~~the dealer to the county recorder of the county in which the~~
16 ~~vessel is registered, and one copy shall be delivered to the~~
17 ~~commission within forty-eight hours.~~

18 Sec. 64. Section 462A.53, Code 2011, is amended to read as
19 follows:

20 **462A.53 Amount of writing fees.**

21 A writing fee of one dollar and twenty-five cents for
22 each transaction privilege shall be collected by the county
23 recorder. ~~If two or more functions are transacted for the same~~
24 ~~vessel at one time, the writing fee is limited to one dollar~~
25 ~~and twenty-five cents.~~

26 Sec. 65. Section 805.8B, subsection 2, paragraph a, Code
27 2011, is amended to read as follows:

28 a. For registration or user permit violations under section
29 321G.3, ~~subsections~~ subsection 1 and ~~2~~, the scheduled fine is
30 fifty dollars.

31 Sec. 66. Section 805.8B, subsection 2, paragraph b,
32 subparagraph (3), Code 2011, is amended to read as follows:

33 (3) For operating violations under section 321G.13,
34 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and
35 "i", and subsections 2 and 3, the scheduled fine is one hundred

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1 dollars.

2 Sec. 67. Section 805.8B, subsection 2, paragraph g, Code
3 2011, is amended to read as follows:

4 g. For violations of section 321G.20 and for ~~safety~~
5 education certificate violations under section 321G.24,
6 subsection 1, the scheduled fine is fifty dollars.

7 Sec. 68. Section 805.8B, subsection 2A, paragraphs a and g,
8 Code 2011, are amended to read as follows:

9 a. For registration or user permit violations under section
10 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
11 fifty dollars.

12 g. For violations of section 321I.21 and for ~~safety~~
13 education certificate violations under section 321I.26,
14 subsection 1, the scheduled fine is fifty dollars.

15 Sec. 69. REPEAL. Sections 462A.40 and 462A.42, Code 2011,
16 are repealed.

17 EXPLANATION

18 This bill relates to matters concerning the regulation
19 of snowmobiles, all-terrain vehicles, and watercraft by
20 the department of natural resources, and makes penalties
21 applicable.

22 SNOWMOBILE REGULATION. The bill makes numerous revisions
23 to Code chapter 321G, which provides for the regulation of
24 snowmobiles by the department.

25 The bill defines "resident" and "nonresident", for purposes
26 of snowmobile regulation, to mean the same as defined for
27 purposes of hunting and fishing licenses.

28 The bill defines "public water" as any navigable waters
29 within the state and the marginal river areas adjacent to the
30 state, other than farm ponds, under the jurisdiction of the
31 natural resource commission. A similar definition is provided
32 for "public ice", and various sections of Code chapter 321G are
33 amended to specify the defined term.

34 The bill specifies that the natural resource commission may
35 adopt rules for the use of snowmobiles on designated snowmobile

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1 trails and for maintenance, signing, and operation of the
2 trails, and existing provisions are amended to indicate that
3 operation on designated trails is subject to regulation by
4 the department. The scope of grant programs and contracts
5 administered by the department is expanded to include
6 the signage of designated snowmobile trails. "Designated
7 snowmobile trail" is defined to mean a snowmobile riding
8 trail on any public land, private land, or public ice that is
9 designated by the department, a political subdivision, or a
10 controlling authority for snowmobile use.

11 Currently, all snowmobiles used on public land or ice in
12 this state must be registered, except for certain snowmobiles
13 owned and used by a governmental entity or snowmobiles used
14 in farming. A nonresident must obtain an annual user permit
15 to operate a snowmobile that is not registered in this state.
16 The bill extends the user permit requirement to apply to
17 residents as well as nonresidents. Under the bill, a resident
18 of this state must obtain a user permit to operate a registered
19 snowmobile on public land, public ice, or designated snowmobile
20 trails. A nonresident's snowmobile must be registered in
21 accordance with the requirements of another state and the
22 operator must obtain a user permit for operation on public
23 land, public ice, or designated snowmobile trails in Iowa.
24 The registration decal of this state or another state and the
25 user permit decal issued by this state must be displayed on a
26 snowmobile operated on public land, public ice, or designated
27 snowmobile trails in Iowa. Pursuant to current law, the fee
28 for a user permit is \$15 plus an administrative fee of \$1.50
29 and a writing fee of \$1 if the permit is issued by a license
30 agent or \$1.25 if the permit is issued by a county treasurer.

31 The bill specifies that the original application for
32 registration of a snowmobile must be filed with the county
33 recorder of the owner's county of residence or if the owner is
34 a nonresident, in the county of primary use. If a transfer
35 of ownership occurs by operation of law, the application must

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1 be filed in the transferee's county of residence. Duplicate
2 registrations and registration renewals may be accomplished
3 through a county recorder or a license agent.

4 The bill provides that a snowmobile owned by the United
5 States, this state, or another state, or by a governmental
6 subdivision, is exempt from registration and user permit
7 requirements in this state if the snowmobile is used for
8 enforcement, search and rescue, or official research and
9 studies, but not for recreational or commercial purposes.
10 Current provisions for the issuance of registration
11 certificates and registration decals for snowmobiles owned by
12 the state of Iowa or its political subdivisions are stricken.

13 The bill makes a technical change requiring that every
14 snowmobile be equipped with a headlight and a taillight, rather
15 than a headlamp and a tail lamp.

16 The bill prohibits a person from water skipping a snowmobile
17 on public water, except on rivers and streams during the period
18 between November 1 and April 1. A violation is a simple
19 misdemeanor punishable by a scheduled fine of \$100. "Water
20 skipping" is defined as the operation of a snowmobile on the
21 surface of water using the skis, track, and bottom surface of
22 the snowmobile for flotation while the snowmobile is in motion.

23 The bill makes technical changes to clarify language
24 relating to stop signal violations.

25 The bill increases the fee for a special registration
26 certificate from \$15 to \$45 for snowmobile manufacturers,
27 distributors, and dealers and extends the registration period
28 from one year to three years. Special registration certificate
29 renewals may be issued electronically. The bill provides
30 for the issuance of a special registration decal along with
31 the special registration certificate. The decal is to be
32 displayed on a snowmobile when it is being operated for
33 purposes of transporting, testing, demonstrating, or selling
34 the snowmobile. Duplicate special registration certificates
35 and decals may be issued electronically by a county recorder

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1 and are subject to a fee of \$5 plus a writing fee of \$1.25.
2 Pursuant to current law, a safety certificate is required
3 for operation of a snowmobile on regulated land or ice by a
4 person under 18 years of age, and in addition, a person 12
5 to 15 years of age must be under the direct supervision of a
6 parent, guardian, or another adult authorized by the parent or
7 guardian. The bill makes a terminology change by replacing the
8 existing "safety certificate" with an "education certificate"
9 throughout Code chapter 321G. In addition, the bill defines
10 "direct supervision" to mean providing supervision of another
11 person while maintaining visual and verbal contact at all
12 times. Currently, a person under 16 years of age must have
13 a safety certificate to operate a snowmobile on or across a
14 public highway. The bill extends the requirement to persons
15 under 18 years of age.
16 The bill authorizes the department to develop requirements
17 and standards for the provision of online education resulting
18 in the issuance of education certificates. A vendor must
19 enter into a memorandum of understanding with the department
20 to conduct such a course. Pursuant to the memorandum of
21 understanding, a vendor may charge a fee for the online course
22 and collect the education certificate fee on behalf of the
23 department.
24 The bill provides that when a serial number on a snowmobile
25 is destroyed or obliterated and the department assigns a
26 distinguishing number to the snowmobile, the department may
27 issue a special decal, rather than a plate, to be affixed to
28 the snowmobile and bearing the distinguishing number.
29 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous
30 revisions to Code chapter 321I, which provides for the
31 regulation of all-terrain vehicles by the department.
32 The bill amends the definition of "off-road utility vehicle"
33 to include rubber-tracked vehicles. In addition, the bill
34 provides that off-road utility vehicles are subject to dealer
35 registration and titling requirements applicable to other

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1 all-terrain vehicles. Currently, registration and titling by
2 dealers is not required. The bill specifies that the operation
3 of off-road utility vehicles is subject to provisions governing
4 the operation of all-terrain vehicles both in statute and in
5 administrative rules.

6 The bill revises the definition of "designated riding trail"
7 to include any public land, private land, or public ice that
8 has been designated by the department, a political subdivision,
9 or a controlling entity for all-terrain vehicle use. Various
10 Code sections are amended to include designated riding trails
11 within the scope of department regulations.

12 The bill defines "public ice" as any frozen, navigable
13 waters within the state and the marginal river areas adjacent
14 to the state, other than farm ponds, under the jurisdiction
15 of the natural resource commission. Various sections of Code
16 chapter 321I are amended to specify the defined term.

17 The bill defines "resident", for purposes of all-terrain
18 vehicle regulation, to mean the same as defined for purposes of
19 hunting and fishing licenses.

20 The bill specifies that the original application for
21 registration of an all-terrain vehicle must be filed with the
22 county recorder of the county of residence or if the owner is
23 a nonresident, in the county of primary use. If a transfer
24 of ownership occurs by operation of law, the application must
25 be filed in the transferee's county of residence. Duplicate
26 registrations and registration renewals may be accomplished
27 through a county recorder or a license agent. An all-terrain
28 vehicle owned by a nonresident and registered in another state
29 must be issued a user permit in this state, which is valid for
30 use on only one all-terrain vehicle.

31 The bill provides that an all-terrain vehicle owned
32 by the United States, this state, or another state, or by
33 a governmental subdivision, is exempt from registration
34 requirements in this state if the all-terrain vehicle
35 is used for enforcement, search and rescue, or official

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1 research and studies, but not for recreational or commercial
2 purposes. Current provisions for the issuance of registration
3 certificates and registration decals for all-terrain vehicles
4 owned by the state of Iowa or its political subdivisions are
5 stricken.

6 The bill makes a technical change requiring that every
7 all-terrain vehicle be equipped with a headlight and a
8 taillight, rather than a headlamp and a tail lamp.

9 The bill provides for the inclusion of motorcycles and
10 off-road utility vehicles in special events. Also, the
11 requirement that the department furnish a copy of the rules for
12 a special event to an applicant for the event is stricken.

13 The bill makes technical changes to clarify language
14 relating to a person who violates a stop signal from a peace
15 officer.

16 The bill increases the fee for a special registration
17 certificate from \$15 to \$45 for all-terrain vehicle
18 manufacturers, distributors, and dealers and extends the
19 registration period from one year to three years. Special
20 registration certificate renewals may be issued electronically.
21 The bill provides for the issuance of a special registration
22 decal along with the special registration certificate.
23 The decal is to be displayed on an all-terrain vehicle
24 when it is being operated for purposes of transporting,
25 testing, demonstrating, or selling the vehicle. Duplicate
26 special registration certificates and decals may be issued
27 electronically by a county recorder and are subject to a fee of
28 \$5 plus a writing fee of \$1.25.

29 Pursuant to current law, a safety certificate is required
30 for operation of an all-terrain vehicle on public land or ice
31 by a person between 12 and 18 years of age. The bill replaces
32 the "safety certificate" with an "education certificate"
33 throughout Code chapter 321I. The bill authorizes the
34 department to develop requirements and standards for the
35 provision of online education resulting in the issuance of

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1 education certificates. A vendor must enter into a memorandum
2 of understanding with the department to conduct such a course.
3 Pursuant to the memorandum of understanding, a vendor may
4 charge a fee for the online course and collect the education
5 certificate fee on behalf of the department.

6 The bill provides that when a serial number on an all-terrain
7 vehicle is destroyed or obliterated and the department assigns
8 a distinguishing number to the all-terrain vehicle, the
9 department may issue a special decal, rather than a plate,
10 to be affixed to the all-terrain vehicle and bearing the
11 distinguishing number.

12 Code section 461C.2(5) is amended to include all-terrain
13 vehicle riding among the public recreational purposes to be
14 encouraged on private land in the state.

15 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section
16 462A.2 is amended to include a definition of "watercraft
17 education certificate" that is issued to a qualified applicant
18 12 years of age or older. Code section 462A.12(6) is amended
19 to change the nomenclature for the requirements that must be
20 met by a person between 12 and 18 years of age to operate
21 certain watercraft without an adult in the watercraft. Such a
22 person is required to complete a department-approved watercraft
23 education, instead of safety, course and obtain a watercraft
24 education, instead of safety, certificate.

25 New Code section 462A.12A requires the department to
26 develop requirements and standards for vendors to offer online
27 watercraft education courses. Approved vendors may charge
28 a fee for the course and may also collect the watercraft
29 education certificate fee on behalf of the department as
30 provided in a memorandum of understanding with the department.

31 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND
32 MANUFACTURERS. Code section 462A.36 is amended to allow the
33 natural resource commission to adopt rules establishing minimum
34 requirements for special certificates to be issued, suspended,
35 or revoked for vessel dealers or manufacturers. In adopting

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1 the rules, the commission shall consider the need to protect
2 persons, property, and the environment, and promote uniform
3 practices relating to the sale and use of vessels.

4 Code section 462A.40, requiring manufacturers or dealers
5 to keep written records of the vessels upon which special
6 certificates are used, and Code section 462A.42, requiring
7 dealers to furnish a list to the commission each year of all
8 used vessels held by them and for which registration has not
9 been paid, are repealed.

10 Code section 462A.46 is amended to delete a requirement that
11 when a dealer purchases or acquires a registered vessel, the
12 dealer must mail or deliver a copy of the original receipt
13 issued to the county recorder of the county where the vessel
14 is registered and to the natural resource commission within 48
15 hours.

16 Code section 462A.53 is amended to delete a limitation on
17 the writing fee collected by a county treasurer for two or more
18 functions transacted for the same vessel at one time. The bill
19 provides that the county treasurer shall collect a writing fee
20 of \$1.25 for each privilege relating to watercraft.



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House File 561

S-5131

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 22, by striking <subsection> and
4 inserting <subsections>
5 2. Page 12, after line 1 by inserting:
6 <NEW SUBSECTION. 5. In the case of an application
7 to construct a nuclear generation facility, that
8 a sufficient domestic supply of uranium exists for
9 utilization by the facility and other existing and
10 projected nuclear generating facilities throughout
11 the United States, and that such a supply of uranium
12 can be mined, enriched, fabricated into fuel, and
13 transported to this state without any adverse health
14 or environmental impact.>

ROBERT M. HOGG



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House File 561

S-5132

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, by striking lines 24 and 25 and
4 inserting <construct a nuclear generation facility, the
5 applicant has submitted and the board has approved a
6 plan addressing United States nuclear regulatory>
7 2. Page 12, line 1, after <agency.> by inserting
8 <The plans shall additionally ensure against any
9 accidental radioactive release, theft of nuclear
10 materials, or terrorist attack against the facility.>

ROBERT M. HOGG



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House File 561

S-5133

- 1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, after line 20 by inserting:
4 <Sec. _____. NEW SECTION. 476A.3A Nuclear generating
5 facility applications — restriction.
6 In the case of an application to construct a
7 nuclear generation facility, notwithstanding any other
8 provision to the contrary, an application may not be
9 submitted until the board has completed a fuel cycle
10 analysis of nuclear power to determine the amount of
11 fossil fuel use and greenhouse gas emissions during the
12 mining, milling, separation, enrichment, fabrication,
13 and disposal of nuclear fuel, using both high-grade
14 and low-grade uranium, and during the construction,
15 operation, decommissioning, and dismantling of nuclear
16 generation facilities, and adopts a rule requiring the
17 offset of any greenhouse gas emissions from the nuclear
18 fuel cycle.>
19 2. By renumbering as necessary.

ROBERT M. HOGG



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House File 561

S-5134

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 22, by striking <subsection> and
4 inserting <subsections>
5 2. Page 12, after line 1 by inserting:
6 <NEW SUBSECTION. 5. With respect to an application
7 for the construction of a nuclear generating facility,
8 that it has been determined pursuant to the contested
9 case proceeding that the federal government has
10 established and is accepting nuclear waste at a nuclear
11 waste storage facility that has sufficient capacity to
12 store all waste from the facility anticipated to be
13 generated over the lifetime of the facility, along with
14 waste from all other nuclear generating facilities that
15 have been, or are anticipated to be, in operation in
16 the United States during the lifetime of the facility.>
17 3. By renumbering as necessary.

ROBERT M. HOGG



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House File 2292

S-5135

- 1 Amend House File 2292, as passed by the House, as
2 follows:
3 1. Page 1, after line 13 by inserting:
4 <Sec. _____. FEDERAL LAW. A person who confines fish
5 as provided in this Act shall comply with applicable
6 national pollutant discharge elimination system permit
7 requirements as provided in the federal Water Pollution
8 Control Act, 33 U.S.C. ch. 26, as amended, and 40
9 C.F.R. pts. 122 and 412.>
10 2. By renumbering as necessary.

JOHN P. KIBBIE



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House File 2329

S-5136

1 Amend House File 2329, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking page 1, line 1, through page 2, line
4 21, and inserting:
5 <Section 1. Section 483A.24, subsections 3 and
6 4, Code Supplement 2011, are amended by striking
7 the subsections and inserting in lieu thereof the
8 following:
9 3. The department shall make available for issuance
10 seventy-five nonresident deer hunting licenses and
11 seventy-five nonresident wild turkey hunting licenses>
12 2. By renumbering as necessary.

KENT SORENSON



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House File 561

S-5137

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 11, line 22, by striking <subsection> and
4 inserting <subsections>
5 2. Page 12, after line 1 by inserting:
6 <NEW SUBSECTION. 5. a. In the case of an
7 application to construct a nuclear generating facility,
8 the county electorate in the county within which
9 the facility is proposed to be located has approved
10 construction of the facility as provided in this
11 subsection. The board of supervisors, upon receipt of
12 a valid petition meeting the requirements of section
13 331.306, shall direct the commissioner of elections
14 to submit to the registered voters of the county a
15 proposition to approve or disapprove the construction
16 of a nuclear generating facility in the county. The
17 proposition shall be submitted at an election held on a
18 date specified in section 39.2, subsection 4, paragraph
19 "a". To be submitted at a general election, the
20 petition must be received by the board of supervisors
21 at least five working days before the last day for
22 candidates for county offices to file nomination
23 papers for the general election pursuant to section
24 44.4. If a majority of the county voters voting on
25 the proposition favor construction of such a facility,
26 and all other applicable requirements are met, a
27 certificate shall be issued. If a majority of the
28 county voters voting on the proposition do not favor
29 construction, a certificate shall not be issued.
30 b. After a referendum has been held which defeated
31 a proposal to construct a nuclear generating facility
32 as provided in this subsection, another referendum on a
33 proposal to construct such a facility shall not be held
34 for at least eight years.>
35 3. By renumbering as necessary.

PAM JOCHUM

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House File 561

S-5138

1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, after line 1 by inserting:
4 <Sec. _____. NEW SECTION. 476A.7A Siting
5 restrictions.
6 Notwithstanding any other provision of this chapter
7 to the contrary, in the case of an application to
8 construct a nuclear generating facility, a certificate
9 shall not be issued in the event a proposed facility
10 is to be located within fifty miles of a city with a
11 population of ten thousand or greater.>
12 2. By renumbering as necessary.

PAM JOCHUM



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House File 561

S-5139

- 1 Amend House File 561, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 12, after line 1 by inserting:
4 <Sec. _____. NEW SECTION. 476A.7A Siting
5 restrictions.
6 Notwithstanding any other provision of this chapter
7 to the contrary, in the case of an application to
8 construct a nuclear generating facility, a certificate
9 shall not be issued in the event a proposed facility is
10 to be located within fifty miles from a dairy farm.>
11 2. By renumbering as necessary.

PAM JOCHUM



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Senate Resolution 117 - Introduced

SENATE RESOLUTION NO. 117

BY HANCOCK, DOTZLER, DANIELSON, DVORSKY, BOWMAN,
WILHELM, SODDERS, RAGAN, JOCHUM, HATCH, MATHIS,
QUIRMBACH, BEALL, SCHOENJAHN, COURTNEY, GRONSTAL,
FRAISE, DEARDEN, HORN, ZAUN, BEHN, SORENSON,
ANDERSON, BERTRAND, ERNST, BOETTGER, BACON, BARTZ,
JOHNSON, WARD, KAPUCIAN, HAMERLINCK, and KIBBIE

1 A Resolution urging Congress and the President of the
2 United States to protect Iowa's Air National Guard
3 units from additional budget cuts.

4 WHEREAS, state militias, now known as the national
5 guard, have been a bulwark of this nation's military
6 defense system since 1776; and

7 WHEREAS, since 1941, the Iowa Air National Guard has
8 been an integral part of our nation's defense and our
9 state's emergency response system; and

10 WHEREAS, defense budget cuts ranging from \$450
11 billion up to \$1 trillion over the next decade will
12 force each branch of the military service to reexamine
13 its balance of forces in the active duty, guard, and
14 reserve branches; and

15 WHEREAS, the United States Air Force has announced
16 it wants to remove 21 F-16 fighter jets of the 132nd
17 Fighter Wing from the Des Moines Air National Guard
18 base to meet these budget cuts, eliminating hundreds
19 of Iowa jobs; and

20 WHEREAS, over the last 68 years, the 132nd Fighter
21 Wing has participated in numerous actions including
22 World War II, the Korean Conflict, and many of the
23 support functions of Desert Shield/Desert Storm,



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1 Enduring Freedom, and Iraqi Freedom; and

2 WHEREAS, the 132nd Fighter Wing has received
3 numerous awards, including eight Air Force Outstanding
4 Unit Awards, and has participated in exercises and
5 deployments worldwide; and

6 WHEREAS, the Iowa Senate supports a defense budget
7 based on national security strategy; and

8 WHEREAS, the Air Force's budget request targets
9 our nation's most cost-effective flying units based
10 upon questionable logic and lacking evidence as to
11 how the budget request supports the national security
12 strategy or the United States Department of Defense's
13 priorities; and

14 WHEREAS, the Comprehensive Review of the Future Role
15 of the Reserve Component chartered by then Secretary
16 of Defense Gates in April 2011 provides a compelling
17 analysis regarding the future role of the Reserve
18 Component and states that "[w]hen rebalancing the
19 force to meet future national security challenges,
20 the...Reserve should be a 'force of first choice'...
21 owing to their overall cost effectiveness and the skill
22 sets that they can provide"; and

23 WHEREAS, it is clear that the Air Force did not
24 conduct a detailed or business case analysis before
25 making its decision; NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Senate urges
27 the President of the United States, the United States
28 Congress, and the United States Secretary of Defense,
29 to protect the Iowa Air National Guard from any future
30 reductions or other budget cuts; and

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1 BE IT FURTHER RESOLVED, That the Congressional Armed
2 Services Committees should require the Air Force to
3 present a detailed analysis supporting its course of
4 action; and

5 BE IT FURTHER RESOLVED, That an official copy of
6 this resolution be transmitted to the President of the
7 United States, the United States Secretary of Defense,
8 and to members of the Iowa congressional delegation.

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Senate Study Bill 3197 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act concerning public safety, by establishing a public
2 safety training and equipment trust fund, establishing a
3 public safety standards, training, and facilities task
4 force, and making appropriations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 80B.11F Public safety training and
2 equipment trust fund.

3 1. A public safety training and equipment trust fund is
4 created in the state treasury under the control of the council.

5 2. The trust fund shall consist of moneys deposited in
6 the fund pursuant to section 432.1, subsection 7, and any
7 other devise, gift, bequest, donation, federal or other grant,
8 reimbursement, repayment, judgment, transfer, payment, or
9 appropriation from any source intended to be used for the
10 purposes of the trust fund. Of the moneys deposited in the
11 trust fund, an amount equal to ten percent of the moneys
12 deposited, or such lesser amount as determined by the council,
13 shall be allocated to a capital projects account for the
14 purposes of facility needs of the academy.

15 3. Moneys credited to the trust fund are not subject to
16 section 8.33 and shall not be transferred, used, obligated,
17 appropriated, or otherwise encumbered except as provided
18 in this section and for succeeding fiscal years shall
19 remain available for expenditure for purposes of the fund.
20 Notwithstanding section 12C.7, subsection 2, interest or
21 earnings on moneys deposited in the trust fund shall be
22 credited to the trust fund.

23 4. a. Beginning July 1, 2014, moneys in the trust fund
24 shall be used for training costs at the academy incurred by
25 a political subdivision of the state and for law enforcement
26 personnel equipment costs, excluding vehicles, incurred by a
27 political subdivision of the state, subject to appropriation by
28 the general assembly. It is the intent of the general assembly
29 that all training costs incurred by a political subdivision
30 be reimbursed from moneys in the trust fund and that such
31 remaining moneys in the trust fund, less such amount needed for
32 cash flow purposes of the trust fund, be used to reimburse law
33 enforcement personnel equipment costs in such manner as the
34 council shall determine.

35 b. Beginning July 1, 2014, moneys in the capital projects

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1 account of the trust fund shall be used for facility needs of
2 the academy, subject to appropriation by the general assembly.

3 Sec. 2. Section 432.1, Code 2011, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 7. a. Of the amount of premium tax
6 receipts collected pursuant to subsection 3 for the 2014 and
7 subsequent calendar years and deposited in the general fund
8 of the state, the department of revenue shall transfer the
9 applicable percent of such amount that exceeds the amount of
10 premium tax receipts collected pursuant to subsection 3 for
11 calendar year 2012 to the public safety training and equipment
12 trust fund created in section 80B.11F.

13 b. For purposes of this subsection, "*applicable percent*"
14 means as follows:

15 (1) For the 2014 through 2016 calendar years, one hundred
16 percent.

17 (2) For the 2017 calendar year, seventy-five percent.

18 (3) For the 2018 and subsequent calendar years, fifty
19 percent.

20 Sec. 3. PUBLIC SAFETY STANDARDS, TRAINING, AND FACILITIES
21 TASK FORCE.

22 1. A public safety standards, training, and facilities task
23 force is established. The department of public safety shall
24 provide administrative support for the task force.

25 2. The task force shall consist of the following members:

26 a. Five members appointed by the Iowa law enforcement
27 academy council. Of the members appointed, at least three
28 members shall be nonsupervisory employees in law enforcement,
29 at least one member shall be a peace officer in the department
30 of public safety, at least one member shall be in county law
31 enforcement, and at least one member shall be in city law
32 enforcement.

33 b. Five members appointed by the state fire service and
34 emergency response council. Of the members appointed, at least
35 three members shall be nonsupervisory employees in fire service

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1 or emergency response.

2 c. Chief of the Iowa fire service training bureau or the
3 chief's designee.

4 d. The director of the Iowa law enforcement academy or the
5 director's designee.

6 e. One member appointed by the governor who is a public
7 member with demonstrated knowledge in public safety and related
8 training issues.

9 3. The members of the task force shall select one
10 chairperson and one vice chairperson. The vice chairperson
11 shall preside in the absence of the chairperson. Section
12 69.16A shall apply to the appointed members of the task force.

13 4. The task force shall consider and develop strategies
14 relating to public safety training facility governance with
15 the goal of all public safety disciplines being represented.
16 Each public safety discipline shall advise the task force
17 by developing individual training policies and standards as
18 determined by the discipline's governing bodies. The task
19 force shall also develop a proposal for a joint public safety
20 training facility, a budget for construction and future
21 operation of this facility, and potential locations, that are
22 centrally located in this state, for the facility.

23 5. a. The task force shall provide interim reports to the
24 general assembly by December 31 of each year concerning the
25 activities of the task force and shall submit its final report,
26 including its findings and recommendations, to the general
27 assembly by December 31, 2015.

28 b. The final report shall include but not be limited to
29 recommendations concerning the following:

30 (1) Consolidation of public safety governance within a
31 single board and the membership of the board.

32 (2) Development of a consolidated fire and police public
33 safety training facility, including possible locations,
34 building recommendations, and financing options.

35 (3) Any other recommendations relating to public safety

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1 standards, training, and facilities requirements.

2 Sec. 4. PUBLIC SAFETY STANDARDS, TRAINING, AND FACILITIES
3 TASK FORCE — ADMINISTRATIVE SUPPORT. There is appropriated
4 from the general fund of the state to the department of public
5 safety for the fiscal period beginning July 1, 2012, and ending
6 December 31, 2015, the following amount, or so much thereof as
7 is necessary, to be used for the purposes designated:

8 For providing administrative support for the public safety
9 standards, training, and facilities task force as enacted in
10 this Act:

11 \$ 50,000

12 EXPLANATION

13 This bill concerns public safety training and facilities.

14 The bill establishes a public safety training and equipment
15 trust fund under the control of the Iowa law enforcement
16 academy council. The trust fund shall consist of moneys
17 deposited in the fund from premium tax receipts as provided by
18 the bill. Of the moneys deposited in the fund, 10 percent,
19 or such lesser amount as determined by the council, shall be
20 allocated to a capital projects account of the trust fund and
21 shall be used for facility needs of the Iowa law enforcement
22 academy. The remaining moneys deposited in the fund shall be
23 used for training costs at the academy and for law enforcement
24 personnel equipment costs, excluding vehicles, all incurred by
25 a political subdivision of the state, subject to appropriation
26 by the general assembly. The bill provides that it is the
27 intent of the general assembly that training costs incurred
28 by a political subdivision be fully reimbursed from moneys in
29 the fund and that the remaining moneys in the fund, less an
30 amount needed for cash flow purposes, be used to reimburse law
31 enforcement personnel equipment costs. Moneys in the fund
32 shall not revert to the general fund of the state, and interest
33 and earnings on moneys in the fund shall remain in the fund.

34 Code section 432.1, concerning tax on gross insurance
35 premiums, is amended to provide that the applicable percent of

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1 the moneys collected from premium tax receipts on insurance
2 policies, other than life insurance policies, in excess of the
3 amount collected for calendar year 2012, shall be transferred
4 to the public safety training and equipment trust fund created
5 by the bill beginning with premium tax receipts received during
6 calendar year 2014. The bill provides that the applicable
7 percent for calendar years 2014 through 2016 shall be 100
8 percent, for calendar year 2017, 75 percent, and for subsequent
9 calendar years, 50 percent.

10 The bill also establishes a public safety standards,
11 training, and facilities task force. The department of public
12 safety shall provide administrative support for the task
13 force and the bill appropriates moneys to the department for
14 providing this support. The bill specifies the membership
15 of the task force and provides that the task force shall
16 consider and develop strategies relating to public safety
17 training facility governance with the goal of all public safety
18 disciplines being represented. Each public safety discipline
19 shall advise the task force by developing individual training
20 policies and standards as determined by the discipline's
21 governing bodies. The bill requires the task force to provide
22 interim reports to the general assembly by December 31 of each
23 year and to submit a final report, including its findings
24 and recommendations, to the general assembly by December 31,
25 2015. The bill provides that the final report shall include
26 recommendations concerning consolidation of public safety
27 governance within a single board and the membership of the
28 board, the development of a consolidated fire and police
29 public safety training facility, including possible locations,
30 building recommendations, and financing options, and any other
31 recommendations relating to public safety standards, training,
32 and facilities requirements.



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Senate Study Bill 3198 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act making appropriations to the department of workforce
2 development for certain purposes and including effective
3 date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. LEGISLATIVE FINDINGS. It is the finding of the
2 general assembly that the recent Iowa supreme court decision of
3 Homan v. Branstad, No. 11-2022, March 16, 2012, has invalidated
4 the proper enactment of certain provisions contained in the
5 2011 Iowa Acts, chapter 130 (Senate File 517). It is the
6 intent of the general assembly to reenact, as amended, certain
7 invalidated provisions of Senate File 517 that were published
8 in the 2011 Iowa Acts and to validate expenditures made by the
9 department of workforce development and actions entered into
10 in reliance on the enactment of the invalidated provisions
11 published in the 2011 Iowa Acts.

12 Sec. 2. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
13 is appropriated from the general fund of the state to the
14 department of workforce development for the fiscal year
15 beginning July 1, 2011, and ending June 30, 2012, the following
16 amounts, or so much thereof as is necessary, for the purposes
17 designated:

18 1. DIVISION OF LABOR SERVICES

19 a. For the division of labor services, including salaries,
20 support, maintenance, miscellaneous purposes, and for not more
21 than the following full-time equivalent positions:

22 \$ 3,495,440
23 FTEs 64.00

24 b. From the contractor registration fees, the division of
25 labor services shall reimburse the department of inspections
26 and appeals for all costs associated with hearings under
27 chapter 91C, relating to contractor registration.

28 2. DIVISION OF WORKERS' COMPENSATION

29 a. For the division of workers' compensation, including
30 salaries, support, maintenance, miscellaneous purposes, and for
31 not more than the following full-time equivalent positions:

32 \$ 2,949,044
33 FTEs 30.00

34 b. The division of workers' compensation shall charge a
35 \$100 filing fee for workers' compensation cases. The filing

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1 fee shall be paid by the petitioner of a claim. However, the
2 fee can be taxed as a cost and paid by the losing party, except
3 in cases where it would impose an undue hardship or be unjust
4 under the circumstances. The moneys generated by the filing
5 fee allowed under this subsection are appropriated to the
6 department of workforce development to be used for purposes of
7 administering the division of workers' compensation.

8 3. WORKFORCE DEVELOPMENT OPERATIONS

9 a. For the operation of field offices, the workforce
10 development board, and for not more than the following
11 full-time equivalent positions:

12	\$	8,671,352
13	FTEs	130.00

14 The moneys appropriated in this paragraph are contingent
15 upon the workforce development centers, including satellite
16 offices, which maintain a physical presence in a county, other
17 than those centers maintained by electronic means, which were
18 open and operational October 31, 2011, remaining open and
19 operational through June 30, 2012.

20 b. Of the moneys appropriated in paragraph "a" of this
21 subsection, the department shall allocate \$1,130,602 for the
22 operation of satellite field offices in Decorah, Fort Madison,
23 Iowa City, and Webster City.

24 4. OFFENDER REENTRY PROGRAM

25 a. For the development and administration of an offender
26 reentry program to provide offenders with employment skills,
27 and for not more than the following full-time equivalent
28 positions:

29	\$	284,464
30	FTEs	3.00

31 b. The department shall partner with the department of
32 corrections to provide staff within the correctional facilities
33 to improve offenders' abilities to find and retain productive
34 employment.

35 5. NONREVERSION

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1 Notwithstanding section 8.33, moneys appropriated in this
2 section that remain unencumbered or unobligated at the close of
3 the fiscal year shall not revert but shall remain available for
4 expenditure for the purposes designated until the close of the
5 succeeding fiscal year.

6 Sec. 3. EMPLOYMENT SECURITY CONTINGENCY FUND.

7 1. There is appropriated from the special employment
8 security contingency fund to the department of workforce
9 development for the fiscal year beginning July 1, 2011, and
10 ending June 30, 2012, the following amount, or so much thereof
11 as is necessary, to be used for field offices:

12 \$ 1,217,084

13 2. Any remaining additional penalty and interest revenue
14 collected by the department of workforce development is
15 appropriated to the department for the fiscal year beginning
16 July 1, 2011, and ending June 30, 2012, to accomplish the
17 mission of the department.

18 Sec. 4. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD
19 OFFICES. Notwithstanding section 96.9, subsection 8, paragraph
20 "e", there is appropriated from interest earned on the
21 unemployment compensation reserve fund to the department of
22 workforce development for the fiscal year beginning July 1,
23 2011, and ending June 30, 2012, the following amount or so much
24 thereof as is necessary, for the purposes designated:

25 For the operation of field offices:

26 \$ 4,238,260

27 Sec. 5. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
28 PROGRAM. There is appropriated from the general fund of the
29 state to the department of workforce development for the fiscal
30 year beginning July 1, 2011, and ending June 30, 2012, the
31 following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 For enhancing efforts to investigate employers that
34 misclassify workers and for not more than the following
35 full-time equivalent positions:

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1 \$ 451,458
2 FTEs 8.10

3 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
4 retroactively to July 1, 2011.

5 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

7 EXPLANATION

8 This bill makes appropriations from the general fund and
9 other funds to the department of workforce development for FY
10 2011-2012. The bill reenacts certain provisions, as amended,
11 of Senate File 517 that were published in the 2011 Iowa Acts,
12 chapter 130, after the invalidation of the provisions pursuant
13 to the Iowa supreme court decision of Homan v. Branstad.

14 The bill appropriates moneys from the general fund to the
15 department of workforce development.

16 The bill appropriates moneys from the special employment
17 security contingency fund to the department of workforce
18 development for field offices.

19 The bill appropriates interest earned on the unemployment
20 compensation reserve fund to the department of workforce
21 development for the operation of field offices.

22 The bill appropriates moneys to the department of workforce
23 development for an employee misclassification program.

24 The bill is effective upon enactment. The bill makes
25 appropriations to the department of workforce development for
26 FY 2011-2012 and applies retroactively to July 1, 2011.